A JUST VINDICATION OF THE CHURCH of ENGLAND, From the Unjuſt Aſperſion of CRIMINAL SCHISME.

WITH

A Replication

TO THE

BISHOP of CHALCEDON

His Survey of the Vindication OF THE

CHURCH of ENGLAND,

From criminous Schiſme:

Clearing the Engliſh Laws from the Aſperſion of Cruelty.

By the moſt Reverend Father in God *John Bramhall*, Archbiſhop of *Armagh*, and Lord Primate of all *IRELAND.*

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A JUST VINDICATION OF THE *Church of* England.

CHAP. I.

The Scope and ſumme of this Treatiſe.

1. NOthing hath been hitherto, or can hereafter be objected to the Church of *England*, which to ſtrangers unacquainted with the ſtate of our affaires, or to ſuch of our Natives as have onely looked upon the caſe ſuperficially, hath more Colour of truth at firſt ſight then that of Schiſme, that we have withdrawn our obedience from the Vicar of Chriſt, or at leaſt from our lawful Patriarch, and ſeparated our ſelves from the Communion of the Catholick Church. A grievous

Nothing more probably objected to the Church of *England* then Schiſme.

accuſation I confeſſe, if it were true: for we acknowledge that there is no ſalvation to be expected ordinarily without the pale of the Church.

But nothing more unjuſtly.

2. But when all things are Judiciouſly weighed in the Ballance of right reaſon, when it ſhall appear that we never had any ſuch forrein Patriarch for the firſt ſix hundred years and upwards; and that it was a groſſe Violation of the Canons of the Catholick *Church* to attempt after that time to obtrude any forrein Juriſdiction upon us, That before the Biſhops of *Rome* ever exercifed any Juriſdiction in *Brittain*, they had quitted their lawful Patriarchate wherewith they were inveſted by the authority of the Church, for an unlawful Monarchy pretended to belong unto them by the inſtitution of Chriſt; That whatſoever the Popes of *Rome* gained upon us in after-ages without our own free conſent, was meer tyranny & uſurpation. That our Kings with their Synods and Parliaments had power to revoke, retract and abrogate whatſoever they found by experience to become burthenſome and inſupportable to their Subjects; That they did uſe in all ages, with the conſent of the Church and Kingdome of *England*, to limit and reſtrain the exerciſe of Papal power, and to provide remedies againſt the daily incroachments of the *Roman* Court, ſo as *Henry* the Eighth at the reformation of the Engliſh Church, did but

but read in the steps of his most renowned Ancestours, who flourished whilest Popery was in its Zenith; And pursued but that way which they had chalked out unto him, a way warranted by the practice of the most Christian Emperours of old, and frequented at this day by the greatest, or rather by all the Princes of the Roman Communion so often as they find occasion. When it shall be made evident, that the Bishops of *Rome* never injoyed any quiet or settled possession of that power which was after deservedly cast out of England, so as to beget a lawful prescription: And lastly, that we have not at all separated our selves from the Communion of the Catholick Church, nor of any part thereof, *Roman* or other, *qua tales*, as they are such, but only in their innovations, wherein they have separated themselves first from their Common Mother, and from the fellowship of their own Sisters; I say, when all this shall be cleared, and the Schisme is brought home and laid at the right door, then we may safely conclude, that by how much we should turn more Roman then we are, whilest things continue in the same condition; by so much we should render our selves lesse Catholique, and plunge our selves deeper into Schisme whilest we seek to avoid it.

3. For the clearer and fuller discussion and demonstration whereof, I shall observe

this method in the Enſuing diſcourſe.

I. The method obſerved in this Diſcourſe.

Firſt to ſtate the queſtion, and ſhew what is Schiſme in the abſtract, who are Schiſmatiques in the Concrete; and what we underſtand by the Church of England in this queſtion.

II. Secondly, I will lay down ſix grounds or propoſitions, every one of which ſingly is ſufficient to wipe away the ſtain and guilt of Schiſme from the Church of *England*; how much more when they are all joyned together? My ſix grounds or Propoſitions

1. are theſe: Firſt, that Proteſtants were not the authors of the late great ſeparation from *Rome*, but Roman Catholicks themſelves, ſuch as in all other points were chief Advocates and pillars of the Roman Church, and ſo many, that the names of all the known diſſenters might be written in a

2. little ring. Secondly, that in abandoning the Court of *Rome* they make not any new Law, but onely declare and reſtore the old Law of the Land to its former Vigour And vindicate that liberty left them as an inheritance by their Anceſtours, from the incroachments and uſurpations of the Court

3. of *Rome*. Thirdly, that the ancient *Britiſh* and *Scottiſh*, or *Iriſh* Churches were evermore exempted from the Patriarchal Juriſdiction of the Roman Biſhops, until Rome thirſting after an univerſal unlawful Monarchy, quitted their lawful Eccleſiaſtical power; And ſo ought to continue free and

exempted

exempted from all forrein Jurisdiction of any pretended Patriarch for evermore, according to the famous Canon of the Generall Councel of *Ephesus*, which *Gregory* the Great reverenced as one of the four *Gospels*. Const. Apost. l. 1. Bel. Greg. Ep. l. 4. ep. 32.

4. Fourthly, that though the Authors of that Separation had not themselves been Roman Catholicks, and though the Acts or Statutes made for that end had not been meerly declarative, but also operative; And although *Brittain* had not been from the beginning both *de jure* and *de facto* exempted from Roman Jurisdiction, yet the King and Church of England had both sufficient authority and sufficient grounds to withdraw their obedience as they did. 5. Fifthly, that all the Soveraign Princes and Republicks in *Europe* of the Roman Communion, whensoever they have occasion to reduce the Pope to reason, do either practise or plead for the same right, or both. 6. Sixthly, that the Papacy it self (*qua talis*) as it is now maintained by many, with universality of Jurisdiction, or rather sole Jurisdiction *Jure divino*, with superiority above Generall Councels, with infallibility of Judgment, and temporall power over Princes, is become by its rigid censures, and new Creeds, and exorbitant decrees, in a great part actually, and altogether causally, guilty both of this and all the greater Schismes in Christendome.

III. 3. Lastly, I will give a satisfactory answer to those objections, which those of the

Roman Communion do bring againſt us prove us Schiſmaticks.

CHAP. 2.

The ſtating of the queſtion what is Schiſme who are Schiſmaticks, and what is ſignified by the Church of England *in the queſtion.*

Every paſſionate heat nor Schiſme.

EVery ſuddain paſſionate heat, or miſunderſtanding, or ſhaking of Charity amongſt Chriſtians, though it were even between the principle Paſtors of the Church, is not preſently Schiſme; As that between Saint *Paul* and *Barnabas* in the [Acts. XV. 39.] Acts of the Apoſtles, who dare ſay that either of them were Schiſmaticks? or that between Saint *Hierome* and *Ruffinus*, who charged one another mutually with *Hereſie*. Or that between Saint *Chryſoſtome* and *Epiphanius*, who refuſed to Joyn in prayers; Saint *Chryſoſtome* wiſhing that *Epiphanius* might never returne home alive; And *Epiphanius* wiſhing that Saint *Chryſoſtome* might not dye a Biſhop: both which things by the juſt diſpoſition of Almighty God, fell out according to the paſſionate and uncharitable deſires of theſe holy perſons, who had Chriſtian *Charity* ſtill radicated in their hearts, though the violent torrent of ſudden paſſion

passion did for the time bear down all other respects before it. These were but personal heats, which reflected not upon the publick body of the Church, to which they were all Ever ready to submit, and in which none of them did ever attempt to make a party, by gathering disciples to himself, such a passionate heat is aptly stiled by the Holy Ghost, παροξυσμὸς, a *paroxisme*, or a sharp fit of a feverish distemper, which a little time, without any other application, will infallibly remedy. Acts 15. 39. (Constantin. P.V.)

Secondly, every premeditated clashing of Bishops or Churches about points of doctrine or discipline long & resolutely maintained, is not presently criminous Schisme, so long as they forbear to censure and condemn one another, and to expel one another from their Communion, and are ready to submit to the determinations of a general Councel. Such were the contentions of the *Roman* and *African* Bishops about rebaptization and appeals. It were hard to say, that those two blessed Saints, *Cyprian* and *Austine*, and all those pious Prelates who joyned with them lived and died Schismaticks. With this general truth agrees that of Doctor *Holden* fully, that *when there is a mutual division of two parts or members of the mystical body of the Church, one from the other yet both retein Communion with the Universal Church, which for the most part springs from some doubtful opinion, or lesse necessary part of* Ecclesiastical quarrels of long continuance not always Schisme. Hen. Holden Append. de Schis. Art. 1. pag. 484.

divine worſhip; quamcunque partem amplexus fueris Schiſmaticus non audies, quippe quod univerſa eccleſia neutram damnârit, whatſoever part one take he is no Schiſmatick, becauſe the univerſal Church hath condemned neither part. Whether he hold himſelf to this principle, or deſert it, it is not my purpoſe here to diſcuſſe.

Infidelity unmaſked. Sect. 176. pag. 591.

But this is much founder doctrine then that of Mr. *Knott*, that *the parts of the Church cannot be divided one from another, except they be divided from the whole, becauſe theſe things which are united to one third, are united alſo between themſelves.* Which errour he would ſeem to have ſucked from Doctor *Potter*, whom he either would not, or at leaſt did not underſtand, That *whoſoever profeſſeth himſelf to forſake the Communion of any one member of the body of Chriſt, muſt confeſſe himſelf conſequently to forſake the whole.* Of which he makes this uſe. That Proteſtants forſake the Communion of the Church of *Rome*, And yet do confeſſe it to be a member of the body of Chriſt, therefore they forſake the Communion of the whole Church. The anſwer is eaſie, that whoſoever doth ſeparate himſelf from any part of the Catholique Church as it is a part of the Catholick Church, doth ſeparate himſelf from every part of the Catholick Church, and conſequently from the Univerſal Church, which hath no exiſtence but in its parts.

Idem. pag. 516.

But

But if one part of the Universall Church do separate it self from another part, not absolutely, or in Essentials, but respectively in abuses and innovations, not as it is a part of the Universal Church, but only so far as it is corrupted and degenerated, it doth still retein a communion, not only with the Catholick Church, and with all Orthodox Members of the Catholick Church, but even with that corrupted Church from which it is separated, except onely in corruptions. We may well inlarge the former *ground*, that if two particular Churches shall separate themselves one from another, And the one retein a communion with the Universall Church, and be ready to submit to the determinations thereof; And the other renounce the Communion of the Universal Church, and contumaciously despise the Jurisdiction and the decrees thereof; the former continues Catholick, and the latter becomes Schismatical. To shew that this is our present condition with the Church of Rome is in part the Scope of this Treatise. They have subjected Oecumenicall Councels, which are the Soveraign Tribunals of the Church, to the Jurisdiction of the Papal Court. And we are most ready in all our differences to stand to the judgment of the truely Catholick Church and its lawful Representative, a free general Councel.

But we are not willing to have their virtuall Church, that is the Court of Rome obtruded

truded upon us for the Catholick Church, not a partiall Synod of *Italians* for a free general Councel.

The Separaters may be free from Schiſme, and the other party guilty.

Thirdly, there may be an actual and criminous ſeparation of Churches which formerly did joyn in one and the ſame Communion; And yet the Separaters be innocent, and the perſons from whom the ſeparation is made be nocent and guilty of Schiſme, becauſe they gave juſt cauſe of ſeparation from them: It is not the ſeperation, but the cauſe that makes the Schiſme. Act. 19. 9. *Saint Paul* himſelf made ſuch a ſeparation among his diſciples: And 1 Tim. 6. 5. *Timothy* is expreſly commanded, that *if any man did teach otherwiſe, and conſented not to wholſome words, even to the words of our Lord Jeſus Chriſt, and to the doctrine which is according to godlineſs*, ἀφίστασο ἀπὸ τῶν τοιούτων, withdraw thy ſelf, ſtand aloof, or ſeparate thy ſelf from ſuch perſons. It is true, that they who firſt deſert and forſake the Communion of their Chriſtian brethren, are Schiſmatick; but there is a moral defection as well as local: It is no Schiſme to forſake them, who have firſt themſelves forſaken the Common faith; wherein we have the confeſſion of our adverſaries. Infid. unmasked, Ch. 7. Sect. 112. pag. 534. *They who firſt ſeparated themſelves from the primitive pure Church, and brought in corruptions in faith, practiſe, Liturgy, and uſe of Sacraments, may truely be ſaid to have been hereticks, by departing from the pure faith; and Schiſmatick's, by dividing themſelves from the*

externall

external communion of the true uncorrupted Church. It is no Schiſme to ſeparate from hereticks and Schiſmaticks in their hereſie and Schiſme. This is all the Crime which they can object to us. The Court of *Rome* would have obtruded upon us new articles of faith, we have rejected them; They introduced unlawful *rites* into the Liturgies of the Church, and uſe of the *Sacraments*, we have reformed them for our ſelves: They went about to violate the juſt liberties and priviledges of our Church, we have vindicated them. And for ſo doing they have by their Cenſures and Bulls ſeparated us & chaſed us from their communion; where lies the Schiſme?

To withdraw obedience is not alwaies criminous Schiſme.

Fourthly, to withdraw obedience from a particular Church, or from a lawful *Superiour*, is not alwaies criminous Schiſme. Particular Churches may ſometimes erre, and ſometimes claſh with the univerſall Church. Patriarchs and other ſubordinate *Superiours* may erre, and ſometimes abuſe their Authority, ſometimes forfeit their authority, ſometimes diſclaim their authority, or uſurp more authority then is due unto them by the Canons. They would perſwade us, that *obedience is to be yeelded to a Church determining errors in points not fundamental.* But they confound *obedience* of acquieſcence with obedience of conformity. They forget willingly that we acknowledge not that they ever had any lawful authority over us;

Idem. pag. 481.

par

par in parem non habet poteſtatem. Equalls have no Juriſdiction over their equals. The onely difficulty is, that this ſeems to make Inferiours Judges of their Superiours, the flock of their Paſtour, the Clergy of their Biſhop, the Biſhop of his Metropolitan, the Metropolitan of his Patriarch; whereas in truth it only gives them a Judgment of diſcretion, and makes them not to be Judges of their Superiours, but only to be their own Judges, *ſalvo moderamine inculpatæ tutelæ*, to preſerve themſelves from ſin or hereſie obtruded upon them under the ſpecious pretences of obedience and Charity. This is not *deficere*, but *proſpicere*; not to renounce due obedience to their lawfull Superiours, but to provide for their own ſafety.

Some things are ſo evident, that the Judgment of the Church or a Superiour is not needful. Some things have been already judged and defined by the Church, and need no new determination.

If a Superiour preſume to determine contrary to the determination of the Church, it is not rebellion but loyalty to diſobey him.

Theod. l. 4. c. 14. When *Eunomius* the Arrian was made Biſhop, not one of his flock, rich or poor, young or old, man or woman, would *communicate* with him in the publick ſervice of *God* but left him to officiate alone. When *Neſtorius* did firſt publiſh his hereſie in the Church in

in these words, *If any man call the Virgin Mary the Mother of God let him be accurſed;* the people made a noiſe, run out of the Church and refuſed ever after to communicate with him. *Valentinian* the Emperour ſhunned the communion of *Sixtus* the third Many of the Roman Clergy withdrew themſelves from the communion of *Anaſtaſius* their Biſhop, becauſe he had communicated with the *Acatians*. *Ruſticus and Sebaſtianus*, two of the Popes chiefeſt Deacons, did not onely themſelves forbear the Communion of *Vigilius*, but drew with them a good part of the Church of Rome, and other Occidental Churches.

Cyrill. ep. 18. ad Celeſtinum.

Tom. 1. Conc. lib. Rom. Pont. in Anaſt.

It cannot be denied, but that among many examples of this kinde, ſome are reprehenſible, not becauſe they did arrogate to themſelves a liberty which they had not, but becauſe they abuſed that liberty which they had, either by miſtaking the matter of fact, or by preſuming too much upon their own judgments.

Libel. ad Maxim. apud Bar. an. 590. nu. 39.

To prevent which inconveniencies, the eighth Synod decreed, not by way of cenſure, but of caution, as a preſervative from ſuch abuſes for the future, that no *Clerk before diligent examination and Synodical ſentence, ſhould ſeparate himſelf from the communion of his proper Biſhop, no Biſhop of his Metropolitan, no Metropolitan of his Patriarch.*

8. Syn. C. 10.

Then

What is ſingle Schiſme

Then what is *Schiſme*? Schiſme ſignifies a criminous ſciſſure, rent, or diviſion in the Church, an Eccleſiaſtical Sedition, like to a mutiny in a Army, or a faction in a State. Therefore ſuch ruptures are called by the Apoſtle indifferently σχίσματα, or διχοστασίαι, Schiſmes or ſeditious ſegregations of an aggregate body into two oppoſite parties: And there ſeems to me to be the ſame difference between hereſie properly ſo called, & Schiſme, which is between an inward ſickneſſe, and an outward wound or ulcer. Hereſie floweth from the corruption of faith within, *Schiſme* is an exteriour breach, or a ſolution of continuity in the body Eccleſiaſtick: Conſider then by what nerves and Ligaments the body of the Church is united and knit together, and by ſo many manner of ruptures it may be ſchiſmatically rent or divided a ſunder.

1 Cor. 10. 1.

1 Cor. 3. 3.

Wherein Internal Communion doth conſiſt.

The Communion of the Chriſtian Catholick Church is partly internal, partly external. The internal Communion conſiſts principally in theſe things; To believe the ſame intire ſubſtance of ſaving neceſſary truth revealed by the Apoſtles, and to be ready implicitly in the preparation of the mind to embrace all other ſupernatural verities when they ſhall be ſufficiently propoſed to them; To judge charitably one of another; To exclude none from the Catholick Communion and hope of ſalvation, either Eaſtern, or Weſtern or Southern or Northern

Northern Christians, which professe the ancient faith of the Apostles and primitive Fathers, established in the first general Councels, and comprehended in the Apostolick *Nicene* and *Athanasian* Creed, To rejoyce at their well-doing, To sorrow for their sins, To condole with them in their sufferings, To pray for their constant perseverance in the true Christian Faith, for their reduction from all their respective errours, and their re-union to the Church in case they be devided from it, that we may be all one sheepfold under that one great Shepherd and Bishop of our Soules. And lastly, to hold an actuall external Communion with them *in Votis*, in our desires, & do endeavour it by all those means which are in our power. This internal Communion is of absolute necessity among all Catholicks.

External Communion consists first in the same Creeds or Symbols, or Confessions of Faith, which are the ancient badges or cognisances of Christianity. Secondly, in the participation of the same Sacraments. Thirdly, in the same external worship & frequent use of the same divine offices or Liturgies, of Forms of serving God. Fourthly, in the use of the same publick Rites and Ceremonies. Fifthly, in giving communicatory Letters from one Church or one person to another. And lastly, in admission of the same discipline, and subjection to the same supream

Wherein External Communion doth consist.

ſupream Eccleſiaſtical authority, that i Epiſcopacy, or a general Council; for ſ ſingle Biſhops are the heads of particula Churches, ſo Epiſcopacy, that is, a gener Councel, or Oecumenical Aſſembly of Bi ſhops, is the head of the univerſal Church.

Internal communion is due alwaies fro all Chriſtians to all Chriſtians, even to thoſ with whom we cannot communicate exter nally in many things, whether *credenda*, o *agenda*, opinions or practices. But externa actual communion may ſometimes be ſuſpen ded more or leſſe by the juſt cenſures of th Church *clave non errante*. As in the primitiv times ſome were excluded *a cœtu participan tium*, Only from the uſe of the Sacrament others moreover, *a cœtu procumbentium*, bot from Sacraments and Prayers; others alſo *a cœtu audientium*, from Sacraments, Praye and Sermons: and laſtly, ſome, *a cœtu fi delium*, from the ſociety of Chriſtians. An as external communion may be ſuſpende ſo likewiſe it may ſometimes be waved o withdrawn by particular Churches or pe ſons from their neighbourhood Churches o Chriſtians in their innovations and errour Eſpecially when they go about to obtrud new fancies upon others for fundament truths and old Articles of faith. Chriſtia charity is not blind ſo as not to diſtingui the integral and eſſential parts of the body from ſuperfluous wens & excreſcences. Th Canons do not oblige Chriſtians to the a bitra

External Communion may be ſuſpended.

And withdrawn.

bitrary dictates of a Patriarch, or to ſuck in all his errours, like thoſe ſervile flatterers of *Dioniſius* the *Sicilian* Tyrant, who licked up his very ſpittle, and proteſted it was more ſweet then *Nectar*.

Neither is there the like degree of obligation to an exact communion in all Externals. There is not ſo great conformity to be expected in Ceremonies, as in the Eſſentials of ſacraments, (the Queens daughter was arrayed in a garment wrought about with divers colours) nor in all Sacraments improperly and largely ſo called by ſome perſons at ſome times, as in Baptiſm and the holy Euchariſt, which by the conſent of all parties are more general, more neceſſary, more principal Sacraments. Neither is ſo exact an harmony and agreement neceſſary in all the explications of articles of faith, as in the Articles themſelves; nor in ſuperſtructions, as in fundamentals, nor in ſcholaſtical opinions, as in catechetical grounds. Nor ſo ſtrict and perpetual an adherence required to a particular Church, as to the Univerſal Church; nor to an Eccleſiaſtical conſtitution, as to a divine Ordinance, or Apoſtolical tradition. Humane priviledges may be loſt by diſuſe or by abuſe. And that which was adviſedly eſtabliſhed by humane authority, may by the ſame authority upon ſufficient grounds and mature deliberation be more adviſedly abrogated. As the limits and diſtinctions of Provinces and Patriarchates

There is not the like neceſſity of communicating in all External. [Pſ. xlv. 14.]

chates were at first introduced to comply with the civil government, according to the distribution of the Provinces of the Roman Empire, for the preservation of peace and unity, and for the ease and benefit of Christians, so they have been often, and may now be changed by Soveraign and Synodical authority, according to the change of the Empire, for the peace and benefit of Christendom.

Christian communion implies not unity in all opinions.

Neither the rules of prudence, nor the Lawes of piety, do oblige particular churches or Christians to communicate in all opinions and practises with those particular Churches or Christians with whom they hold Catholick Communion. The *Roman* and *African* Churches held good communion one with another, whilst they differed both in judgment and practise about rebaptization. Cannot one hold communion with the Fathers that were Chiliasts, except he turne Millenary?

The British Churches were never judged Schismatical, because they differed from the rest of the West about the observation of *Easter*. We see that all the famous and principal Churches of the Christian World, *Grecian*, *Roman*, *Protestant*, *Arminian*, *Abissene*, have their peculiar differences one with another, and each of them among themselves. And though I am far from believing, that when Logomachies are taken away, their real dissentions are half so numerous,

nierons, or their errours half ſo foul, as they are painted out by their adverſaries; (æmulation was never equal judge,) And though I hope Chriſt will ſay, *Come ye bleſſed*, to many, whom fiery Zelots are ready to turn away with *Go ye curſed*, yet to hold communion with them all in all things, is neither lawful nor poſſible. [Matt. xxv. 34] [Matt. xxv. 41.]

Yea, if any particular Patriarch, Prelate, Church, or Churches, how eminent ſoever, ſhall indeavour to obtrude their own ſingularities upon others for Catholique verities, or ſhall injoyn ſinful duties to their ſubjects, or ſhall violate the undoubted priviledges of their inferiours, contrary to the Canons of the Fathers; it is very lawful for their own ſubjects to diſobey them, and for ſtrangers to ſeparate from them. And if either the one or the other have been drawn to partake of their errours, upon pretence of obedience or of Catholique communion, they may without the guilt of Schiſme, nay they ought to reform themſelves, ſo as it be done by lawful authority, upon good grounds, with due moderation, without exceſſe, or the violation of Charity. And ſo as the ſeparation from them be not total, but only in their errours and innovations; nor perpetual, but only during their diſtempers. As a man might leave his fathers, or his brothers houſe being infected with the Plague, with a purpoſe to return thither again ſo ſoon as it was cleanſed. This is no

more then what *Gerſon* hath taught us in ſundry places: *It is lawfull by the law of nature to reſiſt the injury and violence of a Pope. And if any one ſhould convert his Papal dignity to be an inſtrument of wickedneſſe to the deſtruction of any part of the Church in temporalities, or ſpiritualities; And if there appears no other remedy but by withdrawing ones ſelf from the obedience of ſuch a raging power, untill the Church or a Councel ſhall provide otherwiſe, it is lawfull.* He adds further, *That it is lawful to ſleight his ſentences, yea to tear them in pieces, and throw them at his head.*

Reg. mor. tit. p. ac. dec. lib. de A.P. Corſ. 14.

De unit. eccl. conſ. 10.

Bellarmine in effect ſaith as much, *As it is lawfull to reſiſt the Pope if he ſhould invade our bodies; So it is lawful to reſiſt him invading of ſouls, or troubling the Common-wealth: And much more if he ſhould endeavour to deſtroy the Church; I ſay it is lawful to reſiſt him by not doing that which he commands, and by hindering him from putting his will in execution.* We ask no more. The Pope invaded our ſouls by exacting new oathes, and obtruding new Articles of faith. He troubled the Common-wealth with his extorſions and uſurpations: He deſtroyed the Church by his proviſions, reſervations, exemptions, &c. we did not judge him, or puniſh him, or depoſe him, or exerciſe any juriſdiction over him, but only defended our ſelves, by guarding his blowes, and repelling his injuries.

Lib. 2. de Rom. pont. c. 29.

I may not here forget *Saint Ignatius* the Patriarch

Patriarch of *Constantinople*, whom Pope *John* the eighth excommunicated for detaining the Jurisdiction of *Bulgaria* from the See of *Rome*: But he disobeyed the Popes censures, as did also his Successours, and yet was reputed a Saint after his death; whom *Baronius* excuseth in this manner, *Neque est ut quis ob litem hanc, &c. Let no man think that for this controversie* Ignatius *was either disaffected to the Roman See or ingrateful, seeing he did but defend the rights of his own Church, to which he was bound by oath under pain of eternal damnation.* If it be not only lawfull but necessary (in the judgment of *Baronius*) yea necessary under the pain of damnation, for every Bishop to defend the rights of his particular See, against the incroachments and usurpations of the Roman Bishop, and to contemn his censures in that case as invalid; how much more is it lawful, yea necessary for all the Bishops in the world to maintain the right of their whole order, and of Episcopacy it self, against the oppressions of the Court of *Rome*, which would swallow up, or rather hath sallowed up all original Jurisdiction, and the whole power of the Keyes. From this Doctrine Doctour *Holden* doth not dissent, *Non tamen is ergo sum*, &c. *Yet I am not he who dare affirm, that diseases and bad manners and humours may not sometimes be mingled in any society or body whatsoever; yea I confess that such kinds of faults are sometimes to be plucked up by the roots, and the over-luxu-*

[*Bar tom. 10. an. 878.*

Append. le Schism. Art. 4 p. 516.

rious branches to be pruned away with the book, It is true, he would not have this reformation in Eſſential Articles, (we offered not to touch them) nor without the conſent of lawfull Superiours: we had the free and deliberate conſent of all our Superiours both Civil and Eccleſiaſtical. A little after he addes, *I confeſs alſo, that particular and as it were private abuſes, which have only infected ſome certain perſons or Church, whether Epiſcopal or Archiepiſcopal, or National, may be taken away by the care and diligence of that particular Congregation*: we attempted no more.

The ſorts of ſchiſme

We ſee then what meer Schiſme is, a culpable rupture or breach of the Catholick communion; A looſing of the band of peace, a violation of Chriſtian charity, a diſſolving of the unity and continuity of the Church; and how this crime may be committed inwardly by temerarious and uncharitable judgment; when a man thinks thus with himſelf. *Stand from me, for I am holier then thou.* By lack of a true Chriſtian Sympathy or fellow-feeling of the wants and ſufferings of our Chriſtian Brethren: By not wiſhing and deſiring the peace of Chriſtendome, and the reunion of the Catholique Church. By not contributing our prayers and endeavours for the ſpeedy knitting together and conſolidating of that broken bone. And outwardly by rejecting the true badges and cogniſances of Chriſtians, the

[Iſai. LXV. 5.

is, the ancient Creeds. By ſeparating a mans ſelf without ſufficient ground from other Chriſtians in the participation of the ſame Sacraments, or in the uſe of the ſame divine Offices, and Leiturgies of the Church, and publick worſhip and ſervice of Almighty God, or of the ſame common rites and ceremonies. By refuſing to give communicatory Letters to Catholique Orthodox Chriſtians. By not admitting the ſame diſcipline, and by denying or withdrawing our obedience unlawfully from lawfull ſuperiours, whether it be the Church univerſal, or particular, eſſential or repreſentative, or any ſingle ſuperiour, either of divine or humane inſtitution. By ſeparating of themſelves from the communion of the Catholick Church, as the *Novatians*; or by reſtraining the Catholick Church unto themſelves, as the *Donatiſts* of old, and the Romaniſts at this day.

What the Catholick Church ſignifies, was ſufficiently debated between the Catholick Biſhops, and the ſchiſmatical Donatiſts at the Colloquie of *Carthage*; Neither the Church of *Rome* in *Europe*, nor the Church of *Cartenna* in *Africk*, with the ſeveral Churches of their reſpective communions, but the whole Church of Chriſt ſpread abroad throughout the whole World. *Afrorum Chriſtianorum catholicorum hæc vox eſt*, &c. *This is the voice of the* African *catholick Chriſtians, we are joyned in communion with*

What the Catholick Church ſignifies.

Collat. Carth. Col. 3.

the whole Chriſtian World; This is the Church which we have choſen to be maintained, &c.

Each member of the Catholick Church is Catholick incluſively.

Now the Catholick Church being *totum homogeneum*, every particular Church, and every particular perſon of this Catholick communion doth participate of the ſame name incluſively, ſo as to be juſtly called Catholick Churches, and Catholick Chriſtians: But not excluſively, to the prejudice or ſhutting out of other Churches, or other perſons. As the King of *Spain* ſtiles himſelf, and is ſtiled by others the Catholick King, not as if he were an univerſal Monarch, or that there were no other Soveraign Princes in the world but himſelf; ſo the Church of *Rome* is called a Catholick Church; and the Biſhop of *Rome* a Catholick Biſhop: And yet other Churches and other Biſhops may be as Catholick, and more Catholick then they. I like the name of Catholick well, but the addition of Roman is in truth a diminution.

Schiſme is the changeable.

Schiſme for the moſt part is changeable, and varies its Symptomes as the Chamælion colours. As it was ſaid of the Schiſme of the Donatiſts, that *the paſſion of a diſordered woman brought it forth, ambition nouriſhed it, and covetouſneſs confirmed it*. And therefore it is as hard a task to ſhape a coat for Schiſmaticks, as for the Moon, which changeth its ſhape every day. The reaſon is, becauſe having once deſerted the Catholick communion, they find no beaten path to walk in, but

but are like men running down a ſteep hill that cannot ſtay themſelves, or like ſick perſons that toſs and turn themſelves continually from one ſide of their bed to the other, ſearching for that repoſe which they do not find: Hence it comes to paſs, that Schiſme is very rarely found for any long ſpace of time without ſome mixture of heretical pravity, it being the uſe of Schiſmaticks to broach ſome new doctrine for the better juſtification of their ſeparation from the Church. Heretical errours in point of faith do eaſily produce a Schiſme and ſeparation of Chriſtians one from another in the uſe of the Sacraments, and in the publick ſervice of God; As the Arrian hereſie produced a different doxology in the Church, The Orthodox Chriſtian ſaying. *Glory be to the Father, and to the Son, and to the holy Ghoſt*; And the heretical *Arrian*, *Glory be to the Father by the Son, in the Spirit.* So of latter times, the opinions of the lawfulneſs of detaining the cup from the Laity, and of the neceſſity of adoring the Sacrament, have by conſequence excluded the Proteſtants from the participation of the Euchariſt in the Roman Church. Thus Hereſie doth naturally deſtroy unity and uniformity: That is one Symptome of Schiſme.

And for the moſt part complicated with heretical pravity.

But it deſtroyes order alſo, and the due ſubordination of a flock to their lawful Paſtour, nothing being more common with hereticks,

hereticks, then to contemne their old guides, and to chooſe to themſelves new teachers of their own factions, and ſo erect an altar againſt an altar in the Church: That is another principal branch of Schiſme. So a different faith commonly produceth a different diſcipline, and different formes of worſhip.

Four wayes to become hereticall.

A man may render himſelf guilty of hereticall pravity four wayes. Firſt, by diſbelieving any fundamental article of faith, or neceſſary part of ſaving truth, in that ſenſe in which it was evermore received and believed by the univerſal Church. Secondly, by believing any ſuperſtitious errours or additions which do virtually by neceſſary and evident conſequence ſubvert the faith, and overthrow a fundamental truth. Thirdly, by maintaining leſſer errours obſtinately after ſufficient conviction. But becauſe that conſequence which ſeems clear and neceſſary to one man, may ſeem weak and obſcure to another; And becauſe we cannot penetrate into the hearts of men, to judge whether they be obſtinate, or do implicitely and in the preparation of their minds believe the truth, it is good to be ſparing and reſerved in cenſuring hereticks for obſtinacy. Fourthly, by maintaining leſſer errours with frowardneſs and oppoſition to lawfull determinations. Though it be not in the power of any Councel, or of all the Councels in the World, to make that truth fundamen-

mental which was not fundamental, or to make that propoſition heretical in it ſelf, which was not heretical ever from the dayes of the Apoſtles; Or to encreaſe the neceſſary Articles of the Chriſtian faith, either in number or ſubſtance, yet when inferiour queſtions not fundamental are once defined by a lawful general Councel, All Chriſtians, though they cannot aſſent in their judgments, are obliged to paſſive obedience, to poſſeſs their ſouls in patience. And they who ſhall oppoſe the authority, and diſturb the peace of the Church, deſerve to be puniſhed as hereticks.

To ſumme up all that hath been ſaid; Whoſoever doth preſerve his obedience intire to the univerſal Church, and its repreſentative a General Councel, and to all his Superiours in their due order, ſo far as by Law he is obliged, who holds an internal communion with all Chriſtians, and an external communion ſo far as he can with a good conſcience, who approves no reformation but that which is made by lawfull authority, upon ſufficient grounds, with due moderation, who derives his chriſtianity by the uninterrupted line of Apoſtolical Succeſſion, who contents himſelf with his proper place in the Eccleſiaſtical body, who disbelieves nothing contained in holy Scripture, & if he hold any errours unwittingly and unwillingly, doth implicitely renounce them by his fuller and more firm adherence

Who are Catholicks.

to

to that infallible rule, who believeth and practiſeth all thoſe *credenda* and *agenda*, which the univerſal Church ſpread over the face of the Earth doth unanimouſly believe and practiſe as neceſſary to ſalvation, without condemning or cenſuring others of different Judgment from himſelf in inferiour queſtions, without obtruding his own opinions upon others as Articles of faith, who is implicitely prepared to believe and do all other ſpeculative and practical truths, when they ſhall be revealed to him: And in ſumme, *qui ſententiam diverſæ opinionis vinculo non præponit unitatis*, that prefers not a ſubtlety or an imaginary truth before the bond of peace; He may ſecurely ſay, *My name is Chriſtian, my ſirname is Catholique.*

Aug. l. 2. cont. ep. ſc.

Who are Schiſmaticks.

From hence it appeareth plainly, by the rule of contraries, who are Schiſmaticks; whoſoever doth uncharitably make ruptures in the myſtical body of Chriſt, or ſets up altar againſt altar in his Church, or withdrawes his obedience from the Catholick Church, or its repreſentative a General Councel, or from any lawful Superiours, without juſt grounds; whoſoever doth limit the Catholick Church unto his own ſect, excluding all the reſt of the Chriſtian world, by new doctrines, or erroneous cenſures, or tyrannical impoſitions; whoſoever holds not internall Communion with all Chriſtians, and externall alſo, ſo far as they

continue

continue in a Catholique conſtitution; whoſoever not contenting himſelf with his due place in the Church, doth attempt to uſurp an higher place, to the diſorder and diſturbance of the whole body; whoſoever takes upon him to reform without juſt authority and good grounds. And laſtly, whoſoever doth wilfully break the line of Apoſtolical ſucceſſion, which is the very nerves and ſinews of eccleſiaſtical unity and communion, both with the preſent Church, and with the Catholique Symbolical church of all ſucceſſive ages; He is a Schiſmatick (*qua talis*) whether he be guilty of hereticall pravity or not.

Now having ſeen who are Schiſmaticks, for clearing the ſtate of the Queſtion, Whether the Church of *England* be Schiſmatical or not, it remaineth to ſhew in a word, what we underſtand by the Church of *England*.

What is underſtood by the church of *England*.

Firſt, we underſtand not the Engliſh Nation alone, but the Engliſh dominion, including the *Brittiſh*, and *Scottiſh* or *Iriſh* Chriſtians; for *Ireland* was the right *Scotia major*, and that which is now called *Scotland*, was then inhabited by Brittiſh and Iriſh, under the names of *Picts* and *Scots*.

Secondly, though I make not the leaſt doubt in the world, but that the Church of *England* before the reformation, and the church of *England* after the reformation, are as much the ſame church, as a garden before

before it is weeded, and after it is weeded, i
the ſame Garden; or a vine, before it be pru
ned, and after it is pruned and freed fro
the Luxuriant branches, is one and the ſam
vine: yet becauſe the Roman Catholick
do not object Schiſme to the popiſh Church
of *England*, but to the reformed Church
therefore in this queſtion, by the Church o
England, we underſtand that Church whic
was derived by lineal ſucceſſion from th
Brittiſh, Engliſh, and Scottiſh Biſhops, b
mixt ordination, as it was legally eſtabliſhe
in the dayes of King *Edward* the ſixth, an
flouriſhed in the reigns of Queen *Elizabet*
King *James*, and King *Charles* of bleſſe
memory, and now groans under the hea
yoke of perſecution, whether this Churc
be ſchiſmatical by reaſon of its ſeceſſio
and ſeparation from the Church of *Ro*
and the ſuppoſed withdrawing of its obed
ence from the Patriarchal Juriſdiction
the Roman Biſhop? As for other aſperſio
of ſchiſme, of leſſer moment, we ſhall me
with them in our anſwers to their Objec
ons.

CHA

CHAP. III.

That the Separation from Rome *was not made by* Proteſtants, *but by* Roman *Catholicks themſelves.*

THis being the ſtate of the Queſtion, I proceed to examine the firſt ground or propoſition: That the Engliſh Proteſtants were not the firſt Authours of the ſeparation, but principal Roman Catholiques, great Advocates in their dayes, and Ipillars of the Roman Church. Whether the Act or Statute of Separation were operative or declarative, creating new right, or manifeſting, or reſtoring old right, whether the power of the Roman Court in *England* was juſt or uſurped, abſolute and immutable, or conditional and changeable; whether the poſſeſſion thereof was certain and ſetled, or controverted and unquiet, (though no man throughly verſed in our lawes and Hiſtories can reaſonably doubt of theſe things,) This is undeniably true, that the ſeceſſion and ſubſtraction of obedience was not made by our reformers, or by any of their friends or favourers, but by their capital Enemies and perſecutors, by Zelots of the Roman religion.

Roman Catholicks firſt authours of the ſeparation from *Rome.*

And

And this was not done ſecretly in a corner, but openly in the ſight of the ſun, diſputed publickly, and determined before-hand, in both our Univerſities, which afterlong deliberation, and much diſputation, done with all diligence, zeal and conſcience, made this final reſolution and Profeſſion, *Tandem in hanc ſententiam unanimiter convenimus, ac concordes fuimus, videlicet Romanum Epiſcopum majorem aliquam Jurisdictionem non habere ſibi a deo collatam in ſacra Scriptura in hoc Regno Angliæ quam alium quemvis externum Epiſcopum. That the Roman Biſhop had no greater Juriſdiction within the Kingdom of England conferred upon him by God in holy Scripture, then any other forreign Biſhop.* After this the ſame was voted and decreed in our National Synods; and laſtly after all this, received and eſtabliſhed in full Parliament, by the free conſent of all the Orders of the Kingdom, with the concurrence and approbation of four and twenty Biſhops, and nine and twenty Abbats, then and there preſent. To paſſe by many other Statutes, take the very words of one of the main Acts it ſelf, *That England is an Empire*, and that *the King as head of the body politick conſiſting of the ſpirituality and temporality, hath plenary power to render final Juſtice for all matters, &c.* Firſt, *England is*, that is, originally, not ſhall be by vertue of this act; what is it? *an Empire.* If it he an Empire, then the Soveraigns thereof have the ſame priviledges and prerogative

Act. and Mon. p. 965 Reg. epiſt. Uni. Oxon. ep. 210.

Sac. Syn. an. 1530. & an. 1532.

24. H. 8. c. 12.

Romaniſts firſt gave the King the title of Head of the Church.

rogatives within their own Dominions, which the old Emperours had in theirs. If the King be *head of the body politick, consisting of the spirituality and temporality*, then in *England* the King is the political head of the Clergy, as well as of the Laity. So he ought to be, and not he only, but all the Soveraign Princes throughout the World, by the very Law of Nature.

What becomes now of that grand exception against Protestants, for making their King the head or Soveraign Governour (for these two are convertible termes) of the English Church or Clergy? A title first introduced by Roman Catholicks, and since waved and laid aside by Protestants, not so much for any malignity that was in it, as for the ill sounds sake, because it seemed to intrench too much upon the just right of our Saviour, and being subject to be mis-understood, gave offence to many well affected Christians. And what doth this law say more then a great Cardinal said not long after? One that was as near the Papacy as any that ever mist it, and was thought to merit the Papacy as well as any that had it in his dayes. I mean Cardinal *Pool* in his Book *de concilio, hoc munus Imperatoribus Christi fidem professis Deus ipse Pater assignavit, ut Christi filii Dei vicarias partes gerant*, *God the Father hath assigned this Office to Christian Emperours, that they should act the part of Christ the Son of God*, in (General Councels.) *Resp. ad quæst.* 74.

And yet more fully in his anſwer to the next
Reſp. ad qu. 75. queſtion, *Pontifex Romanus ut caput ſacerdotale Vicarias Chriſti veri capitis partes gerit, at Cæſar ut caput regale, &c. The Pope as a Prieſtly head doth execute the Office of Chriſt the true Head; but we may alſo truly ſay, that the Emperour doth execute the Office of Chriſt as a Kingly head.* And ſo he concludeth;
[*Matt. XXVIII. 18.*] Chriſt ſaid of himſelf, *All power is given me both in heaven and earth*: In utraque ergo poteſtate, &c. *Therefore we cannot doubt but Chriſt hath his Deputies for both theſe powers*; The Pope in the Church, the Emperour in the Common-wealth. Thus writes the Popes own Legate to his Brother Legates in the *Tridentine* Councel, when he deſired to favour his Maſter as much as he could.

But I proceed to our Statute: the King of *England* hath, that is, already in preſent, by the fundamental conſtitution of the Monarchy; not ſhall have from henceforth, *plenary power*, without the Licenſe or help or concurrence of any forrein Prelate or Potentate; *plenary*, not ſolitary: To *render final juſtice*, that is, to receive the laſt appeals of his own Subjects, without fear of any review from *Rome*, or at *Rome*, *for all matters* Eccleſiaſticall and temporal; Eccleſiaſtical by his Biſhops, Temporal by his Judges. There is a great difference between a Kings adminiſtring Juſtice in Eccleſiaſtical cauſes by him-
Conc. Mil. 2. ſelf, and by his Biſhops. Liſten to the Canon of the *Milevitan* Councel: *It hath pleaſed*

pleaſed the Synod, that what Biſhop ſoever ſhall requeſt of the Emperour the cogniſance of publick judgment (in ſome caſes) *he be deprived of his honour. But if he petition to the Emperour for Epiſcopal judgment*, (that is, to make Biſhops his Deputies or Commiſſioners to hear it) *it ſhould not prejudice him.* They forbid a Biſhop of his own accord, in thoſe dayes, and in ſome caſes to make his firſt addreſſe for Juſtice to a ſecular Magiſtrate; But they do not forbid him to appear before a ſecular Magiſtrate being cited; And they allow him in all caſes though of pure Eccleſiaſtical cogniſance, to ſeek to a Soveraign Prince for an equal indifferent hearing by Biſhops delegated and authoriſed by him.

The Teſtimony of this Statute is ſo clear and authentick in it ſelf, that it need not be corroborated with any other acts of the ſame kind. Yet three things are urged againſt it. Firſt, that *Henry* the Eighth at this time was a favourer of the Proteſtants. Secondly, that he cared not for Religion, but looked only to the ſatisfaction of his own humours and luſts. Thirdly, that to withold due obedience, is as Schiſmatical as to withdraw it; And that the reformed Church of *England* may be innocent of the one, and yet guilty and acceſſary to the other.

To the firſt exception I reply, That *Henry* the eighth was ſo far both then and long after from being a friend or favourer of the Proteſtants,

Henry *the* 8th. *no friend to the Proteſtants.*

Proteſtants, that he was a moſt bitter perſecutor of them. After this the Pope himſelf, (though he was not well pleaſed to looſe ſo ſweet a morſel as *England* was) ſo well approved of *Henry* the Eighths rigorous proceedings againſt the Proteſtants, that he propoſed him to the Emperour as a pattern for his imitation. Inſomuch as ſome ſtrangers in thoſe dayes coming into *England*, have admired to ſee one ſuffer for denying the Popes ſupremacy, and another for being a Proteſtant at the ſame time. So though they looked divers waies, yet like *Samſons* Foxes each had his firebrand at his taile.

Hiſt. Conc Trid.

[Judg. xv. 4.]

But to clear this point home, there needs no more but to view the order of the Statutes made concerning Religion and Eccleſiaſticall Juriſdiction in the reign of that King.

23. *H.* 8. The Act for no perſon to be cited out
24. *H.* 8. of his own Dioceſſe, except in certain caſes.
25. *H.* 8. The Act prohibiting all appeals out of *England* to the Court of *Rome*. The Act
26. *H.* 8. for the ſubmiſſion of the Clergy to the King. The Act for payment of firſt fruits to the Crown: An Act for the Exoneration from all exactions of the Court of *Rome*. The Act declaring the King to be Supream Head of the Church of *England*: An Act againſt popiſh Bulls, Faculties, and Diſpenſations: And the Act for utterly extinguiſhing the uſurped authority of the Roman

Roman Biſhop were all, or the moſt of them enacted before the eight and twentieth year of *Henry* the eighth. And if my notes fail me not; (for we are chaſed from our books) they were all received and eſtabliſhed in *Ireland* the very ſame year, the Lord *Gray* being then Lord Deputy of *Ireland*. All this while there were no thoughts of any reformation; All this while the Proteſtants found little grace from King *Henry*; nor indeed throughout his whole Raign, ordinarily. 28. *H.* 8.

As for the ſuppreſſion of Monaſteries in his time, I ſhall deal clearly, and declare what *I* conceive to be the judgment of moderate Engliſh Proteſtants concerning that Act. Firſt, We fear that covetouſneſſe had a great oare in the boat, and that ſundry of the principal Actors had a greater aime at the goods of the Chuch, then at the good of the Church: Or otherwiſe why did they not (as they pretended and gave out) preſerve the ſpoiles of the cloiſters for publick and charitable uſes, as the foundation of Hoſpitals, and freeing the Common wealth from a great part of its neceſſary charges? Why did they not reſtore the appropriated, (or as we call them truely impropriated tythes) to the Incumbents and lawful owners, who had actuall cure of ſouls? From whom they had been unjuſtly withheld, eſpecially conſidering that in ſome parishes the poor Vicars ſtipend

The Authors opinion of Monaſteries.

Supplication of beggars.

was not ſufficient to maintain a good Plowman. The Monks pretended that they had able members to diſcharge the cure of ſouls, and what difference whether the incumbent were a ſingle perſon, or an aggregated body? But what meer Lay-men could pretend is beyond my underſtanding.

Secondly, we examine not whether the abuſes which were then brought to light were true or feigned; but this we believe, that foundations which were good in their original inſtitution ought not to be deſtroyed for acceſſary abuſes; or for the faults of particular perſons. So we ſhould neither leave a Sun in heaven, for that hath been adored by Pagans; nor a ſpark of fire, or any eminent creature, how beneficial ſoever upon earth, for they have all been abuſed. Therefore *Licurgus* is juſtly condemned, becauſe out of an hatred to drunkenneſſe he cut down all the Vines in *Sparta*; whereas he ſhould have brought the fountains of water nearer.

Thirdly, when the Clergy in a Kingdome are really; (and not upon the feigned pretenſes of Sacrilegious perſons) grown to that exceſſive grandieur, that they quite overballance the Laity, and leave the common wealth, neither ſufficient men nor ſufficient means to maintain it ſelf, it is lawful by prudent laws to reſtrain their further growth, as our Anceſtors and all the Nations of *Europe* have done by prohibiting

biting new foundations of Religious houſes, and the alienation of Lands to the Church without ſpecial licence; As we ſhall ſee hereafter. And if the exceſſe be ſo exorbitant; that it is abſolutely and evidently deſtructive to the conſtitution of the Common-Wealth, it is lawful(upon ſome conditions and cautions not neceſſary to be here inſerted) to prune the ſuperfluous branches and to reduce them to a right temper and *æquilibrium*, for the preſervation and well being of the whole body Politick. It hath been alwayes held lawful in ſome caſes to alienate ſome things, that had formerly been given to the Church, as for the redemption of Chriſtian Captives, for the ſuſtenance of poor Chriſtians, who are living Temples, in the daies of famine, and for preſervation of the Church it ſelf from demolition; But Eradication, to pluck up good inſtitutions root and branch, is not reformation which we profeſſe, but deſtruction.

To conclude this digreſſion. So as Monaſteries were moderated in their number, and in their revenues; So as the Monks were reſtrained from medling between the Paſtor and his Flock, that is the Bark and the Tree, as it was of old. *Monachus in oppido, piſcis in arido*, a Monk in a great Town was thought like a fiſh upon dry land. So as the abler ſort, who are not taken up with higher ſtudies or weightier imployments

ments, were inured to beſtow their ſpare howers from their devotions in ſome profitable labour for the publick good, that idleneſſe might be ſtripped of the cloak of contemplative devotion. So as the vow of perpetual cœlibate were reduced to the forme of our *Engliſh* Univerſities, ſo long a fellow, ſo long unmarried, or of the *Cannoneſſes* and *Biggins*, on the other ſide the ſeas, which are no longer reſtrained from wedlock then they retain their places or habits; So as their blind obedience were more inlightned, and ſecured by ſome certain rules and bounds. So as their mock poverty (for what is it elſe to profeſſe want and ſwim in abundance,) were changed into a competent maintenance; and laſtly, ſo as all opinion of ſatisfaction and ſupererogation were remov'd, I do not ſee why Monaſteries might not agree well enough with reformed devotion.

Hen. the 8 h. no friend to Proteſtants.

So then *Henry* the Eighth at the time of his receſſion from *Rome*, and long after, even ſo long as he lived, was neither friend nor favourer of the enſuing Reformation, nor ordinarily of Proteſtants in their perſons. As may yet more manifeſtly appear by that cruel ſtatute of the Six Articles; which he made after all this in the one and thirtieth year of his reign, as a trap to catch the lives of the Poor Proteſtants. A Law both writ in blood, and executed in blood.

31. *H.* 8.

But

But ſuppoſe that *Henry* the Eighth had been a friend to Poteſtants, what ſhall we ſay to all the orders of the Kingdom? what ſhall we ſay to the Synods, to the Univerſitie, to the four and twenty Biſhops, and nine and twenty Abbats, who conſented to this Act? were all theſe Schiſmaticks? were *Heath*, *Bonner*, *Tonſtall*, *Gardiner*, *Stokeſley*, *Thurleby*, &c. all Schiſmaticks? If they were, then Schiſmaticks were the greateſt oppoſers of the reformation, the greateſt Enemies of the Proteſtants, and the greateſt pillars and upholders of the Romane religion. Theſe were they that granted the Supremacy to King *Henry* the eighth, Archbiſhop *Warham* told him it was his right to have it before the Pope. Theſe were they that preached up the Supremacy of the King at S. *Pauls* Croſs, and defended his Supremacy in printed books. Theſe conſented to the Acts of Parliament for his Supremacy, and the extinguiſhing of the power of the Roman Biſhop in *England*. Theſe were they who helped to make the Oath of Supremacy, and took it themſelves, and all others of any note throughout *England*, except onely *Fiſher* Biſhop of *Rochester*, and Sir *Thomas Moor*, who were in priſon before it was enacted for oppoſing the Kings Marriage, and the ſucceſſion of his Children to the Crown, after it was ordained in Parliament. And wiſe men have thought that the former had taken it, if he had not been retarded

Much leſs thoſe who joyned with him in the ſeparation from Rome.

Act. & Mon. an. 1510. Conc. Tonſt. & Longlands.

Hiſt. aliquot mart. & edit. an 1550. Apol. ſac. Reg. pro jur. fidel. p. 125.

tarded by the expectation of a Cardinals hatt, which was come as far as *Calice*.

England unanimous in caſting out the Pope.

Or rather what ſhall we ſay to the whole body of the Kingdome, if we may believe the teſtimony of *Stephen Gardiner* Biſhop of *Winchester*, a learned perſon of very near relation to King *Henry*, and in all other things a great Zelot of the Roman Catholick party, in his book *of true obedience*, publiſhed with a preface to it made by Biſhop *Bonner*. Thus he, *No forrain Biſhop hath authority among us; All ſorts of People are agreed with us upon this point with moſt ſtedfaſt conſent, that no manner of perſon bred or brought up in England hath ought to do with Rome.* A full confeſſion of an able adverſary, to which I ſee not what can be excepted, unleſſe it be ſaid of him, as it was of *Æneas Sylvius*, *Stephanus probavit, Wintonienſis negavit*, Doctour *Gardiner* approved it, but the Biſhop of *Winchester* retracted it. Admit it were ſo, as it was indeed, what is that to the ſtedfaſt unanimous conſent of the whole Kingdom? Which appears not only from hence, but from *Tonſtal's* Epiſtle to Cardinal *Pool*; and *Bekenſhaws* Commentary *of the Soveraign and abſolute power of Kings*; As likewiſe of the *difference between Kingly and Eccleſiaſticall power*. And laſtly and principally, by a book ſet forth by the Engliſh Convocation, called, *The Inſtitution of a Chriſtian man*. And to ſhew yet further, that *Ireland* was unanimous herein with *England*,

de vera obed.

Cited by K. James in his triplici nodo triplex cuneus print. an 1609. p. 125. and Ireland.

we

we find in the three and thirtieth Year of *Henry* the eighth, which was before all thoughts of Reformation, not the Iriſh only, as the *O Neales*, *O Relies*, *O Birnes*, *O Carols*, *&c.* but alſo the Engliſh Families; as the *Deſmonds*, *Barries*, *Roches*, *Bourks*, whoſe poſterities do ſtill continue Zealous Romaniſts, did make their ſubmiſſions by Indenture to Sir *Anthony Sellenger*, then chief Governour of that Kingdom, wherein they *accknowledged King Henry to be their Soveraign Lord, and confeſſed the Kings Supremacy in all cauſes, and utterly renounced the Juriſdiction of the Pope.* So the Biſhop of *Wincheſter* might well ſay, that there was an Univerſall and ſtedfaſt conſent in the ſeperation from Rome.

Councel book of Ireland 32,33,34. of Henry 8th.

The ſecond exception weighs ſo little, that it ſcarce deſerveth an Anſwer. Admitting, but not granting, that any or all the calumnies of that party againſt *Henry* the Eighth were true, whereof divers by their impoſſibility and by the contradiction of their Authours, do carry their own condemnation written in their foreheads; and although *Henry* the Eighth had been our Reformer, as he was not, yet all this would ſignifie nothing as to this preſent Queſtion: God doth often good works by ill agents. *Jehu's heart was not upright towards the Lord,* yet God uſed him as an inſtrument to reform his Church, and to puniſh the worſhippers of *Baal*. We have heard of late of an aggre-

The pretended Crimes of Hen. 8. no blemiſh to the Reformation.

[2 Kings. X. 31.]
[2 Sam. XXII. 25. Pſ. XVIII. 3.]
[2 Kings. X. 18. 28.]

aggregative treaſon, not known before in the world, But never untill now of an aggregative Schiſme. The addition of twenty ſins of another nature cannot make that to be Schiſm, which is not Schiſme in it ſelf. We are ſorry for his ſins under a condition, that is, in caſe they were true, which for part of them we have no great Reaſon to believe; But we are abſolutely without condition glad of our own liberty. The truth is, God Almighty did ſerve himſelf of a moſt unlawfull diſpenſation granted by the Pope to King *Henry* the Eighth, to marry his Brothers Wife, as an occaſion of this great work. I ſay unlawfull becauſe it was after judged unlawfull by the Univerſities of *England*, *France*, *Italy*, after mature deliberation, and ſome of them upon oath, and by above an hundred forrain Doctours of Principal reputation for learning. The coals of the Kings ſuſpicion were kindled in *Spain*, *France*, and *Flanders*, no Enemies to the Pope, and blown by Cardinal *Wolſey* for ſiniſter ends; But it was *Cranmer* that ſtruck the nail home. And God diſpoſed all things to his own glory.

Holinſ. in Hen. 8. p. 923.
Hall. 22. H. 8. p. 199.

To their third exception, That to withhold obedience is Schiſmatical as well as to withdraw it, I anſwer firſt, that they cannot accuſe us as acceſſaries to Schiſme, untill they have firſt condemned their own great Patrons, Champions and Confeſſours for the principal Schiſmaticks. Did Roman Catholicks

tholicks themſelves find right and ſufficient reaſon to turn the Pope out of *England* at the fore-door, in fair day light, as an intruder and uſurper? And do they expect that Proteſtants who never had any relation to him, ſhould let him in again by ſtealth at the back-door?

Turpius ejicitur quam non admittitur hoſpes.

It is true, Queen *Mary* afterwards gave him houſeroom again in *England* for a ſhort time. But he raged ſo extreemly, and made ſuch bonfires of poor innocent Chriſtians in every corner of the Kingdom, that it is no marvail if they deſired his room rather then his company.

Our Laws are not cruel againſt Roman Catholicks.

I have often wondred how any rational man could ſatisfie himſelf ſo as to make the ſeverity of our lawes, or the rigour of our Princes ſince the Reformation, a motive to his revolt from our Church. Surely the inquiſition was quite out of his mind; but I meddle not with forreign affairs. He might have conſidered, that more Proteſtants ſuffered death in the ſhort Reign of Queen *Mary*, Men, Women, and Children, then Roman Catholicks in all the longer Raigns of all our princes ſince the Reformation put together. The former by fire and faggot, a cruel lingring torment, *ut ſentirent ſe mori*, that they may feel themſelves to die by degrees. The other by the gibbet, with ſome

some opprobrious circumstances, to render their sufferings more exemplary to others, The former meerly and immediately for Religion, because they would not be Roman Catholicks, without any the least pretext of the violation of any political Law: The latter not meerly and immediately for Religion, because they were Roman Catholicks, for many known *Roman* Catholicks in *England* have lived and dyed in greater plenty, and power, and reputation in every Princes reign, since the Reformation, then an English Protestant could live among the Irish Roman Catholicks, since their insurrection. If a subject was taken at Masse it self in *England*, which was very rare, it was but a pecuniary mulct. No Stranger was ever questioned about his Religion. I may not here omit King *James* his affirmation, That no man in his reign, or in the Raign of his predecessor Queen *Elizabeth*, did suffer death for Conscience sake or Religion.

Apol. p. 153.

But they suffered for the violation of Civil Lawes, as either for not acknowledging the political supremacy of the King in Ecclesiastical causes over Eccleſiastical persons, which is all that we assert; which the Roman Catholicks themselves in *Henry* the Eighth's dayes did maintain as much, or perhaps more then we. We want not the consent of their own Schools, or the concurrent practise of Kings and Parliaments of their

their own communion, As *Sancta Clara* doth confeſſe, *Valde multi doctores, &c. Very many Doctours do hold, that for the publick benefit of the Common-wealth Princes have Juriſdiction in many cauſes otherwiſe being of Eccleſiaſtical cogniſance, by poſitive Divine Law, and by the law of nature.* And though himſelf ſeem rather to adhere to others who aſcribe unto them meerly a Civil power, yet he acknowledgeth with the ſtream of Schoolmen, that by their Soveraign Office by accident, and indirectly for the defence of the Common-wealth, and the preſervation of publick Juſtice and peace, they have great power over Eccleſiaſtical perſons in Eccleſiaſtical cauſes, in many caſes; *As they may command Biſhops to diſpoſe their ſpiritual affairs to the peace of the Common-wealth, They may remove the froward from their offices, They may defend the oppreſſed Clergy from the unjuſt oppreſſions of Eccleſiaſtical Judges, &c.* which he confeſſeth to be as much as our Article ſetteth forth. VVhat the practice of other Kings and Princes is herein, we ſhall ſee more fully when I come to handle my fifth Propoſition; Or elſe for returning into the Kingdom ſo qualified with forbidden Orders, as the Lawes of the Land do not allow. The State of *Venice* doth not, the Kingdom of *France* hath not abhorred from the like Lawes. Or laſtly, for attempting to ſeduce ſome of the Kings Subjects from the Religion eſtabliſhed in the Land. In all theſe caſes beſides

Religion

religion, there is ſomething of Election *He that loves Danger, doth often periſh in it.* The truth is this, An hard Knott muſt have an heavy Mall; Dangerous and bloody poſitions and practiſes produce ſevere laws. No Kingdom is deſtitute of neceſſary remedies for its own conſervation; If all were of my mind, as I believe many are, I could wiſh that all ſeditious Opinions, and over rigorous ſtatutes, with the memory of them, were buried together in perpetual oblivion. I hold him ſcarce a good Chriſtian that would not caſt on one ſpade full of earth towards their interrement; Pardon this digreſſion, if it be one, Cruelty is a Symptome of Schiſm.

Though the firſt ſeparaters were Schiſmaticks, we are free.

Secondly, I anſwer that though the Romaniſts could be contented to brand their own friends for the principall Schiſmaticks, yet they ſhall never be able to prove us acceſſaries, or faſten the ſame Crime upon us, who found the ſeparation made to our hands, who never had any thing to do with *Rome*, who never ought them any ſervice but the reciprocall duty of love, who never did any act to oblige us to them, or to diſoblige us from them; indeed it were ſomething, if they could produce a patent from Heaven of the Popes Vicariate Generall under Chriſt over all Chriſtians; (But that we know they can never do) Or but ſo much as an old Canon of a general Councel that did ſubject us to their Juriſdiction. So as the

the ſame were neither lawfully revoked, nor their power forfeited by abuſe, nor quitted by themſelves, untill then they may withdraw their charge of Schiſme.

Nay yet more, though they could juſtifie their pretended title, yet we acting nothing, but preſerving all things in the ſame condition we found them, are not cenſurable as formal Schiſmaticks whileſt we erre invincibly, or but probably, and are implicitely prepared in our minds, to obey all our juſt ſuperiours, ſo far as by law we are bound, whenſoever we ſhall be able to underſtand their right.

There have been many ſchiſmes in the Roman Church it ſelf. Sometimes two Popes, ſometimes three Popes at a time. One Kingdom ſubmitted to one, this to another, that to a third, every one believing him to whom he ſubmitted to be the right Pope, and every one ready to have ſubmitted to the right Pope, if they had known who he was. Tell me, were all thoſe that ſubmitted to Antipopes preſently ſchiſmaticks? That were too hard a cenſure. The Antipopes themſelves were the ſchiſmaticks, and the Cardinals that Elected them, and all theſe who ſupported them for avaritious, or ambitious or uncharitable ends.

We may apply to this purpoſe that which St. *Auſtin* ſaid concerning Hæreticks; *Qui*

Aug. Epiſt. 162. *ſententiam ſuam quamvis falſam atque perverſam nulla pertinaci animoſitate defendit, præſertim quam non audacia præſumptionis ſuæ pepererit, ſed a ſeductis & in errorem lapſis parentibus accepit; quæ it autem cauta ſolicitudine veritatem, corrigi paratus cum invenerit, nequaquam eſt inter hæreticos deputandus.* *He that defends not his falſe opinion with Pertinacious animoſity, having not invented it himſelf, but learned it from his erring parents; If he enquire carefully after the truth, and be ready to embrace it, and to correct his errors when he finds them, he is not to be reputed an Heretick.*

If this be true in the caſe of hereſie, it holds much more ſtrongly in the caſe of Schime, & eſpecially that ſchiſm which is grounded only upon humane conſtitutions. He that diſobeys a Lawful ſuperiour through invincible ignorance, whom he deſerted not himſelf, but found him caſt off by his parents, if he be careful to underſtand his duty, and ready to ſubmit ſo far as in juſtice he is bound, he is not to be reputed a Schiſmatick. If men might not be ſaved by a general and implicite repentance, they were in a wofull condition, for *who can tell how oft he offendeth?* Pſal. 19. 12. *Cleanſe thou me from my ſecret faults.* And if by general & implicite repentance, why not by general and implicite faith? why not by general and implicite obedience? So as they do their uttermoſt indeavours to learn their duties, and are ready to conform themſelves

ſelves when they know them. God looks upon his creatures with all their prejudices, and expects no more of them then according to the talents which he hath given them. If I had books for that purpoſe, I might have cited many Lawes and many Authors to prove that the final ſeparation from *Rome* was made long before the reformation of the Church of *England*. But it is a truth ſo evident and ſo undeniable by all thoſe who underſtand our affairs, that I ſeem to my ſelf to have done overmuch in it already.

Proteſtants no authors of the ſeparation from the Church of *Rome*.

I do expect that it ſhould be urged by ſome that there was a double ſeparation of the Church of *England* from *Rome*; The former from the court of *Rome*; The ſecond from the Church of *Rome*, The former in point of diſcipline; The latter in point of Doctrine; The former made in the dayes of *Henry* the Eighth; the other in the dayes of *Edward* the ſixth. That if the Proteſtants were not guilty of the former, yet certainly they were guilty of the later.

To this I give two anſwers: firſt that the ſecond ſeparation in point of Doctrine doth not concern this queſtion, *whether the Church of England be Schiſmatical*, but another *whether the Church of* England *be Hæretical*, or at leaſt *Heterodox*, (for every errour doth not preſently make an hæreſie) which cannot be determined without diſcuſſing

the particular differences between the Church of *Rome* and the Church of *England*. It is an undeniable principle to which both parties do yield firm assent, *that they who made the first separation from the primitive pure Church, and brought in corruptions in faith, Leiturgy, or use of the Sacraments*, are the guilty party. Yea though the separation were not local but only moral, by introducing errours and innovations, and making no other secession: This is the issue of our controversie. If they have innovated first, then we are innocent, and have done no more then our duties. It is not the separation, but the cause that makes a Schismatick.

Mr. *Knot. Inf. num.* p. 534.

Secondly I answer, that as Roman Catholicks (not Protestants) were the authours of the separation of *England* from the court of *Rome*; so the court of *Rome* it self (not Protestants) made the separation of *England* from the communion of the Church of *Rome*, by their unjust and tyrannical censures, excommunications, and interdictions, which they thundred out against the Realm, for denying their spiritual Soveraignty by divine right, before any reformation made by Protestants. It was not Protestants that left the communion of the Church of *Rome*, but the Court of *Rome* that thrust all the English Nation both Protestants and Roman Catholicks together out of their doors, and chased them away from them, when Pope

Paul

Paul the third excommunicated and interdicted *England*, in the daies of *Henry* the eighth, before ever any reformation was attempted by the Protestants. In that condition the Protestants found the church and Kingdom of *England* in the daies of *Edward* the sixth. So there was no need of any new separation from the communion of the Church of *Rome*, The Court of *Rome* had done that to their hands. So to conclude my first Proposition, Whatsoever some, not knowing or not weighing the state of our affairs; and the Acts and records of those times, have rashly or ignorantly pronounced to the contrary, it is evident that the Protestants had no hand either in the separation of the *English* Church from the court of *Rome*, or in their separation from the church of *Rome*; The former being made by professed Roman Catholicks, the latter by the Court of *Rome* it self, both before the reformation following in the dayes of *Edward* the sixth, both at a time when the poor Protestants suffered death daily for their conscience upon the six bloody Articles.

Bulla Pauli 3. apud Sand de Schism l. 1. p. 109

CHAP. IV

That the King and Kingdom of England *in the ſeparation from* Rome *did make no new Law, but vindicate their ancient Liberties.*

THe ſecond concluſion upon examination will prove as evident as the former, that *Henry* the eighth and thoſe Roman Catholicks with him, who made the great ſeparation from the court of *Rome*, did no new thing, but what their predeceſſours in all ages had done before them, treading in the ſteps of their Chriſtian Anceſtors.

Eminent perſons have great influence without any Juriſdiction.

And firſt, it cannot be denyed, but that any perſon or Society that hath an eminent reputation of learning, or prudence, or piety, or authority, or power, hath ever had, and ever will have a great influence upon his or their neighbours, without any legal Juriſdiction over them, or ſubjection due from them.

The dignity of the Apoſtolical Churches.

Secondly, it is confeſſed, that in the primitive times great was the dignity and authority of the Apoſtolical Churches, as *Rome*, *Antioch*, *Epheſus*, *Hieruſalem*, *Alexandria*, which were founded by the Apoſtles themſelves; and that thoſe antient chriſtians in all their differences did look upon the Biſhops of thoſe Sees as honourable Arbitrators,

bitrators, and faithful Depoſitaries of the genuine Apoſtolical traditions, eſpecially wherein they accorded one with another. Hence is that of *Tertullian*, *conſtat omnem doctrinam quæ cum illis Eccleſiis Apoſtolicis, matricibus, & originalibus conſpirat, &c. Whatſoever doctrine agrees with thoſe Apoſtolical original mother Churches, is to be reputed true.* And in this ſenſe and no other Saint *Cyprian* a great admirer and imitater both of the matter and words of *Tertullian*, whom he honoured with the title of *his Maſter*, doth call the Church of *Rome a Matrix and a root*. But if the tradition varied, as about the obſervation of *Eaſter*, between *Victor* Biſhop of *Rome*, and *Polycrates* Biſhop of *Epheſus*, the one preſcribing from St. *Peter*, and St. *Paul*, the other from St. *John*. The reſpective churches did conform themſelves to their Superiours, or if they were free, (as the *Britannique* Churches were) to their own judgment or to the example of their neighbour Churches, or keep them to the tradition delivered unto them by their firſt converters. As in this very controverſy about *Eaſter*, and ſome baptiſmal rites, the *Brittiſh* and *Scottiſh* Biſhops alwaies adhered to the Eaſtern Church. A ſtrong preſumption that thence they received the faith, and were not ſubordinate to the Patriarchal See of *Rome*. But yet all this honourable reſpect proceeded from a free prudential compliance, without any perpetual or neceſſary

L. de præſcrip. adv. hæreſ.

L. 4. Ep. 8.

ſubjection. Afterwards ſome Churches loſt, ſome gained the place and Dignity of Apoſtolical Churches, either by cuſtome, ſo *Epheſus* loſt it; Or by the Canons of the Fathers, ſo *Conſtantinople* did get it: or laſtly, by Imperial priviledges, ſo *Juſtiniana* and and *Carthage* obtained it.

Nov. 131. *c.* 3. *&* 4.

It is no marvel that the Pope winded himſelf into England by degrees

Thirdly, it is not to be doubted of, but that after the year ſix hundred, after that Pope *Boniface* had quitted his Patriarchal dignity, by aſſuming a more lofty title of Univerſal Biſhop, The ſucceeding Popes by the connivence, leave or conſent of our Kings, did ſometimes more, ſometimes leſſe, upon pretence of their Univerſal Juriſdiction, by degrees thruſt in their ſickle into the Eccleſiaſtical affairs of *England*. Whoſoever ſhall ponder duly with what a depth of prudence the Roman court hath meſnaged all occaſions and occurrences to the advantage and advancement of that See, and conſequently to the improvement of their own authority; whoſoever ſhall weigh ſeriouſly with what art and cunning the Papacy (as it now is) was tacked into the Church contrary to wind and weather, and how their beginning of unity was ſcrued up to an omnipotence, and univerſallity of power; whoſoever ſhall duly conſider what advantage they made to that See, and therein to themſelves, by the only countenancing of *Phocas* his baſe and bloody murther, or of *Charles Martel* his more glorious and ſucceſſeful revolt

volt, will not wonder to obſerve, how they did watch their times when we had Princes of weak judgments, or neceſſitous, or ſuperſtitious, or of unjuſt or Litigious titles, to wind themſelves into *Brittain*. Nay rather he will admire that they did not radicate themſelves more deeply and more firmly therein; which without doubt they had effected, but for their exorbitant rapines, whileſt they thought that like Foxes they might prey moſt boldly fartheſt from their own Kennel, *Anglia vere hortus noſter deliciarum, puteus inexhauſtus eſt, ubi multa abundant, multa de multis extorqueri poſſunt, That England indeed was his garden of delight, a well that could not be drawn dry.* And where many things did abound, out of much, much might be extorted. *Mat. Par. an. 1246.*

But firſt this intruſion was manifeſt uſurpation and tyranny; This was the Gangrene of the Church, which no ſubſequent poſſeſſion or ſubmiſſion could warrant, no tract of time or preſcription ſufficiently confirm. *Quod ab initio fuit invalidum tractu temporis non convaleſcet*, That which is not only unjuſt, but invalid in its beginning, can never be made valid by the empty pretenſe of a following cuſtome or preſcription. Neither do I find in truth that any of the petite *Saxon* Kings or their Subjects, though ſome of them indebted to S. *Gregory* for their firſt converſion, and all of them much weakned by their Sevenfold diviſion, (for *No Saxon, Engliſh or Brittiſh King ever made any obliging ſubmiſſion to the Pope.*

(for at first of seven Kings there was but only one who was a Christian, namely the King of Kent; Neither was it any of his progeny who did afterwards unite the Heptarchy into a Monarchy) much lesse that any of the succeeding Kings of *England*, or of great Brittain united, did ever make any solemn, formal or obliging acknowledgment of their submission to the Bishop of *Rome*.

Bedil. l. c. 25. But on the contrary, when *Austin* first arrived in *England*, he staied in the Isle of *Thanet*, untill he knew the Kings pleasure, and offered not to preach in Kent, untill he had the Kings License for him and his followers to preach throughout his dominions.

Bedl. l. c. 26. So not only their Jurisdiction: but even the exercise of their pastoral function within that Realme, was by the Kings leave and authority. The donation and resignation of King *John* whereby he went about to make a free Kingdom servile and feudatary to the Pope, did concern the Crown more then the Miter, and was soon hissed out of the World to the perpetual shame and infamy of such mercenary Pastors; yet to obtain this Ludibrious act the power of the Keyes was abused, and the Kingdom of *England* stood interdicted by the space of six years and three moneths.

The Popes power in England was of courtesy. The popes in latter times had some power in *England*, of courtesy, not of Duty; but never

never that omnipotence which they gaped after. *Sometimes* they ſent their Nuncios or Legates into *England*. So they did of old into other Patriarchates. *Sometimes* they admitted appeals from *England* to *Rome*. So they did of old from *Africk*. *Sometimes* they excummunicated the *Engliſh Sub*jects. *So* did Pope *Victor* long ſince excommunicate all the *Aſiaticks*. But neither *Aſia* nor *Africk* for all that did acknowledge the Popes Juriſdiction. On the other ſide, ſometimes their Legates were not permitted to enter into the Realm, or after their arrival thruſt out of the Realm, unleſſe they would give caution by oath for their good demeſnour. *Sometimes* their *Bulls* and excommunications were ſleighted or damned, and they who procured them ſoundly puniſhed for their labours. *Sometimes* all appeals to *Rome* were prohibited under moſt ſevere penalties, and their decrees rejected. All this while our Kings and *Biſhops* called Councels, the one under civil puniſhments, the other under Eccleſiaſtical, made Eccleſiaſtical Lawes and conſtitutions in their *Synods* and Parliaments, yea expreſſe conſtitutions againſt the court of Rome it ſelf with as much tartneſſe and vehemency as King *Henry* the Eighth. And with this only difference that they endeavoured to draw the people out of the Popes clawes at home, and he thought it more expedient to throw the

Pope

Pope over the *Britiſh* Sea, once for altogether. The old and lawful patriarchal power of the Roman Biſhops within their own deſtricts, had been renounced long before by themſelves. Their new univerſal Monarchy, erected by themſelves, was not capable of preſcription; or if it had, yet ſuch a dubious unquiet poſſeſſion as the Popes did hold in *England* at the mercy and diſcretion of the right owners, was not ſufficient to make a legal preſcription; or to juſtifie their pretended title, or to render them *bonæ fidei poſſeſſores*, lawful and conſcionable poſſeſſours. This is that which I am now to demonſtrate in this ſecond ground.

Wilfride *the firſt great Appellant.*

The moſt famous (I had almoſt ſaid the only) appellant from *England* to *Rome* that we read of before the Conqueſt was *Wilfride* Arch-biſhop of *York*, who notwithſtanding that he gained ſentence upon ſentence at *Rome* in his favour; And notwithſtanding that the Pope did ſend expreſſe Nuncios into *England*, on purpoſe to ſee his ſentence executed, yet he could not obtain his reſtitution or the benefit of his ſentence for ſix years, during the Raignes of King *Egbert* and *Alfrede* his ſon. Yea King *Alfrede* told the Popes Nuncios expreſly, *That he honoured them as his Parents for their grave lives and honourable aſpects, but he could not give any aſſent to their Legatio; becauſe it was againſt reaſon, that a perſon twice condemned by the whole Councel of the Engliſh, ſhould be reſtored*

Spelm. conc. an. 705.

reſtored upon the Popes Letter. If they had believed the Pope to be their competent Judge, either as univerſal Monarch, or ſo much as Patriarch of *Brittain*, or any more then an honourable Arbitrator, (which all the Patriarchs were) even without the bounds of their proper jurisdictions) how comes it to paſs that two Kings ſucceſſively, and the great Counſels of the Kingdom, and the other Arch-Biſhop *Theodore* with all the prime Eccleſiaſticks, and the flower of the Engliſh Clergy, did ſo long and ſo reſolutely oppoſe ſo many ſentences and meſſages from *Rome*, and condemn him twice, whom the Pope had abſolved? conſider that *Wilfride* was an Arch-Biſhop, not an inferiour clerk; And if an appeal from *England* to *Rome* had been proper or lawfull in any caſe it had been ſo in his caſe. But it was otherwiſe determined by thoſe who were moſt concerned.

Malmesbury ſuppoſeth either by inſpiration, or upon his own head, that the King and the Arch-Biſhop *Theodore* were ſmitten with remorſe before their deaths, for the injury done to *Wilfride* and the ſlighting of the Popes ſentence, Letter and Legates. But the contrary is moſt apparently true; for firſt, it was not King *Alfrede* alone, but the great Councel of the Kingdom alſo; not *Theodore* alone, but the main body of the Clergy, that oppoſed the Popes Letter, and the reſtitution of *Wilfride*, in that

that manner as it was decreed at *Rome*.

Secondly, after *Alfrede and Theodoret* were both dead, we find the Popes ſentence and *Wilfrides* reſtitution ſtill oppoſed by the ſurviving Biſhops, in the Raign of *Alfredes* ſon. To clear the matter paſt contradiction, let us conſider the ground of this long and bitter contention; *Wilfride* the Archbiſhop was become a great pluraliſt, and had ingroſſed into his hands too many Eccleſiaſtical dignities. The King and the Church of *England* thought fit to deprive him of ſome of them, and to confer them upon others. *Wilfride* appealed from their ſentence unto *Rome*. The Pope gave ſentence after ſentence in favour of *Wilfride*. But for all his ſentences he was not, he could not be reſtored, untill he had quitted two of his Monaſteries, which were in queſtion, *Hongeſtbill dean*, and *Ripon*, which of all others he loved moſt dearly, and where he was afterwards interred. This was not a conqueſt, but a plain waving of his ſentences from *Rome*, and a yeelding of the queſtion; for thoſe had been the chief cauſes of the controverſie. So the King and the Church after *Alfredes* death ſtill made good his concluſion, That it was againſt reaſon, that a perſon twice condemned by the whole Councel of the Engliſh, ſhould be reſtored upon the Popes bull. And as he did not, ſo neither did they give any aſſent to the Popes Legation.

So

So unfortunate were appeals to *Rome* in those dayes: And as unfrequent as unfortunate; for from that time untill *Anſelmes* dayes after the *Norman* conqueſt in the Raign of *Henry* the firſt, we do hardly meet with another appeal. Then Pope *Paſchalis* the ſecond had deviſed a new Oath for Arch-Biſhops, when they received their Pall; An oath much wondered at in all places, as a ſtrange innovation, *ſignificaſti reges & Regni majores admiratione permotos, &c. You ſignified unto me that Kings and Nobles were moved with admiration, that the Pall was offered unto you by our Miniſters, upon condition that you ſhould take an oath which they brought you written from us, &c.* De elect. poteſt. c. 4. ſignificaſti, &c. Bar. An. 1102. nu. 8.

This oath was that which animated *Anſelme* to conteſt ſo hotly with the King. The main controverſie was about this very queſtion of Appeals to *Rome*. The King pleaded the fundamental Lawes and Cuſtomes of the Land, *conſuetudo Regni mei eſt a Patre meo inſtituta, ut nullius præter licentiam Regis appelletur Papa. Qui conſuetudines regni tollit, poteſtatem quoque & coronam Regis violat, &c. It is a cuſtom of my Kingdom inſtituted by my Father, that no Pope may be appealed unto without the Kings Licenſe. He that takes away the Cuſtomes of the Kingdom, doth violence to the power and Crown of the King.* It is to be noted, that the lawes eſtabliſhed by his Father (that was *William* the Conquerour) were no other then the Lawes of *Edward* Malm. l. 1. de Geſt. Paul. Anglor.

ward the confessour, that is to say, the old *Saxon* Lawes. So he might justly say, both that it was an ancient immemorial *custome* of the Kingdom, and also that it was instituted or established by his Father. So *Hoveden* tells us, that *at last he yeelded to the request of his Barons*, &c. that was by his authority to confirm the Lawes of King *Edward*. But the best was, that though *Anselme* the Archbishop was obliged by oath to the Pope, yet the Bishops were not so soon brought into the same bondage. And therefore the former Author tells us, that *In his exequendis omnes Episcopi Angliæ Primati suo suffragium negarunt, In the execution of these things, all the Bishops of* England *did deny their suffrage to their Primat.* So unanimous were they in this point.

Hoved. in Hen. 2.

Malm. ibid.

Which unanimity of the whole Realm both Clergy and Laity doth appear yet more evidently by the statute of *Clarendon*, made in the Raign of the grand-child of this King, when all the Prelates and Peers of the Realm did confirm the former ancient *Brittish Englisch* custome, not only by their consents, but by their oaths, whereof we shall have occasion to speak more hereafter. And upon this custome was that Law grounded, which our Histories do make mention of, *Si quis inventus fuerit literas vel mandatum ferens Domini Papæ, &c. capiatur, & de eo sicut de Regis traditore & regni, sine dilatione fiat justitia. If any one be found bring-*

Math. Par. an. 1164.

Rog. Hoved. in Hen. 2.

ing

ing in the Popes Letter or Mandate, let him be apprehended, and let justice pass upon him without delay as a traytor to the King & Kingdom. And generally every man is interdicted, or forbidden, *to appeal to the Pope.* And the Legations from *Rome* were almost as rare as appeals to *Rome*, during the raigns of all the Brittish and Saxon Kings, unrill the Norman conquest. As *Gregory* Bishop of *Ostium* the Popes own Legate did confess, That he was the first *Roman Priest that was sent into those parts of Brittain, from the time of* S. *Austin.* And those Legates were no others then ordinary messengers or Embassadours, sent fromie one neighbour to another, Such a thing as a Legantine Court, or a Nuncios Court, was not known in the Brittish World in those ages, and long after. It is not enough to shew that one Roman Bishop did once send over one or two Doctors to help to propagate or confirm the faith, or to lend their helping hands to Religion fainting.

Legations as rare as appeals.

Spelm. conc. an 787.

This may well set forth their devovotion, and our obligation. But further as to the present question it signifies just nothing.

Favours cease to be favours, when they are done on purpose to deprive men of their ancient liberties. The Brittish Bishops, and English also, have done as much for other Nations, over whom they did never challenge any Jurisdiction. The

French Church sent over *Germanus and Lupus* to help to root up the relicks of Pelagianisme in *Brittain*, yet did never pretend thereby to any authority over the *Brittains*.

Saxon Kings made Ecclesiastical laws.

Add to this, that during all the time from St. *Gregory* to the conquest, it was usual for the Brittish, Saxon, and Danish Kings, with their Clergy or great Councel, to make Ecclesiastical lawes, and to regulate the external discipline of the Church within their Dominions: Witness the lawes of *Ercombert*, *In a*, *Withred*, *Alfrede*, *Edward*, *Athelstan*, *Edmond*, *Edgar*, *Athelred*, *Canutus*, and *Edward* the Confessour, among whose lawes one makes it the *office of a King to govern the Church as the Vicar of God.* Another implies a power in the King and his Judges, *to take cognisance of wrong done in Ecclesiastical Courts.* It was to this Holy King *Edward* the confessour, that Pope *Nicholas* the second by his bull for him and his Successours, granted this ensuing priviledge to the Kings of *England* for ever; Namely, the Advocation *and protection of all the Churches of* England, *and power in his stead to make just ecclesiastical constitutions, with the advice of their Bishops and Abbats.* This grant is as full or fuller then that which *Urban* the Second made to *Roger* Earl of *Sicily*, from whence the Kings of *Spain* at this day do not only Challenge, but enjoy in a manner all Ecclesiastical power

Chap. 15.
Chap. 5.

Spelm. conc. An. 1066.

power in *Sicily*. If the Pope had ever had any such right as he pretends, this only Bull were sufficient to justifie our Kings. But they injoyed this very power from the beginning, as an essential flower of their Crownes, without any thanks to the Pope. *To make just Ecclesiastical constitutions in the Popes stead*, saith the Bull: *To govern the Church as the Vicar of God*, saith the law of the Land.

The Bishops of *Rome* have ever been very kind, in granting those things which were none of their own, and in making deputations and delegations to them who stood in no need of their help, being lawfully invested before hand by another title, in that power and dignity, which the Popes pretended out of their goodness to confer upon them, but in truth, did it only for the reputation of their See, and for maintaining the opinion of their own Grandeur. Whether the deputation were accepted or not, they did not much trouble themselves. So they dealt with *Hosius* president in the Councell of *Nice*; So they dealt with the *Patriarch* of *Justiniana Prima*; so they served good King *Edward*, and many others.

An old artifice of the Roman Bishops.

This Legislative power in Ecclesiastical causes over Ecclesiastical persons, the *Norman* Kings after the conquest did also exercise from time to time, with the advice and consent of their Lords spiritual and temporal

Norman Kings injoyed the same power.

poral. Hence all those Statutes concerning Benefices, Tythes, Advowsons, Lands given in Mortmain, prohibitions, consultations, præmunires, *quare impedits*, priviledge of Clergy, extortions of Ecclesiastical courts or officers, and regulating their due fees, wages of Priests, Mortuaries, Sanctuaries, Appropriations, and in summe all things which did belong to the external subsistence, regiment, and regulating of the Church, and this in the raigns of our best Kings, long and long before the reformation.

Othobone the Popes Legate under *Urban* the fifth would have endowed Vicars upon appropriated Rectories, but could not. But our Kings by two Statutes or Acts of Parliament did easily effect it. With us the Pope could not make a spiritual corporation, but the King. The Pope could not exempt from the Jurisdiction of the ordinary, but the King, who by his charter could convert *Seculars* into Regulars. The Pope could not grant the Priviledge of the *Cistercians* and other orders, to be free from the payment of Tythes; but the King. The Pope could not appropriate Churches, but the King: we find eight Churches appropriated to the Abby of *Crowland* by the Saxon Kings, three Churches appropriated to the Abby of *Battel* by the Conquerour, and twenty by *Henry* the first to the Church of *Sarisbury*. The King in his great

Cap. quon ac Approp. 15 *R.* 2 *c.* 6 4 *H.* 4 *c.* 12

2. *H.* 4. *c.* 3 2 *H.* 4. *c.* 4

great Councel could make void the certificates of Ordinaries in Cases of Eccleſiaſtical cogniſance, and command them to abſolve thoſe perſons who were judged by his authority to be unjuſtly excommunicated. The Pope could not tranſlate an Arch-Biſhoprick or a Biſhoprick, but the King. The diſpoſition of Eccleſiaſtical preferments upon lapſe accrued not to the Pope but to the King; a plain evidence that he was the Lord Paramount. And the King only could incurr no lapſe, *Nullum tempus occurrit Regi*; becauſe the law ſuppoſed that he was buſied about the weighty affairs of the kingdom. The revenues of a Biſhoprick in the vacancy belonged not unto the Pope; but to the King, which he cauſed to be reſtored, ſometimes from the time of the firſt vacancy, ſometimes from the time of the filling of the Church with a new incumbent according to his good pleaſure.

9 H. 6 c. 11 Cook Report Cawd's Caſe

The Canons of the Pope could not change the Eccleſiaſtical Lawes of *England*, but the King, whoſe lawes they were. He had power in his great Councel to receive the canons if they were judged convenient, or to reject them and abrogate them, if they were judged inconvenient. When ſome Biſhops propoſed in Paliament the reception of the Eccleſiaſtical Canon for the Legitimation of Children born before marriage (without ſuch a reception the

Canon law of no more force in *England* then as it was received

Canon was of no force in *England*) all the Peers of the Realm ſtood up and cryed out with one voice, *Nolumus leges Angliæ mutari, We will not have the laws of* England *to be changed*. The King and Parliament made a Legiſlative expoſition of the Canon of the Councel of *Lyons* concerning *Bigamy*, which they would not have done, unleſs they had conceived themſelves to have power, according to the fundamental conſtitutions of the Kingdom, either to receive it, or reject it. *Ejus eſt legem interpretari cujus eſt condere*; He that hath authority to expound a law Legiſlatively, hath power to make it. The King and Parliament declared Pope *Urban* to be the right pope in a time of Schiſme, that is, in relation to *England*, their own Kingdom, not by determining the titles of the Popes, but by applying the matter to the one, and ſubſtracting it from the other. All theſe are ſo many evidences, that when Popery was at the higheſt, the Biſhops of *Rome* had no ſuch abſolute Eccleſiaſtical Soveraignty in the Church and Realm of *England*. And that what power they exerciſed at any time more then this, was by connivence, or permiſſion, or violent uſurpation. And that our Primates had no forraign Superiour Legally eſtabliſhed over them, but only the King as he was the Supream head of the whole body politick. To ſee that every one did his duty, and injoyed his

20. *H.* 3. *c.* 9.

4. *E.* 1. *c.* 5. *Bigamy.*

2. *R.c.* 6.

Aedmev. in initio.

his due right. Who would not ſuffer one of his Barons to be excommunicated from *Rome*, without his privity and conſent.

No Legate *de latere* was allowed by the law in *England*, but the Archbiſhop of *Canturbury*. And if any was admitted of courteſie, he was to take his oath, to do nothing derogatory to the King and his Crown. If any man did denounce the Popes excommunication without the aſſent of the King by the law, he forfeited all his goods. Neither might any man appeale to *Rome* without the Kings Licenſe. In the year 1420. the Pope tranſlated the Biſhop of *Lincolne* to *York*. But the Dean and Chapter abſolutely refuſed to admit him, and juſtified their refuſal by the Laws of the Land; And by the favour of the country carried the cauſe. So as the Pope was forced to recall him to *Lincolne*. *Placit an* 1. *H.* 7. *Pl. an* 1. *H.* 7. *Pl. an.* 32. *&* 34. *E.* 1. *Ant. Brit.* 279.

Having mentioned the ſtatutes of *Mortmain*, I cannot but do my native country, and the Church of *England* that right, to clear it from an heavy accuſation framed againſt it upon miſtaken grounds. That the Engliſh proteſtants had made a Law to *to maintain and patronize Sacriledge, that no man* (*how penitent ſoever*) *could reſtore any thing to the Church, which had been formerly taken from it.* God forbid. Firſt the ſtatutes of *Mortmain* were not made by proteſtants, *The ſtatute of Mortm. in juſtified.*

reſtants, but in the dayes of *Henry* the third, *Edward* the firſt, and *Richard* the ſecond, between the laſt of which, and *Henry* the eighth, there raigned ſix Kings ſucceſſively. That is one great miſtake. Secondly, the Statutes of *Mortmain* did not at all concern the reſtitution of any thing that had been taken away. There was no uſe for that in thoſe dayes. The only ſcope of thoſe Lawes was to reſtrain the firſt donation of Lands to the Church without royal aſſent, That is another miſtake. Thirdly, theſe very Laws of *Mortmain* are not ſo incredible, nor ſo hard to be believed, nor ſo altogether deſtitute of preſidents and examples, as that authour doth imagine, ſo as *poſterity ſhould ſcarcely believe that ever any ſuch law had been made.*

He might have remembred the proclamation of *Moſes*, when the people had already offered abundantly, for the adorning of the Sanctuary, *Let neither man nor woman make any more work for the offering of the Sanctuary. So the people were reſtrained from bringing.* He might have called to mind a like law of *Theodoſius* a godly Emperour, and propitious to the Church, to moderate the peoples bounty, and the Clergies covetouſneſs. Which law Saint *Ambroſe* and Saint *Hierome* do ſo much complain of, not againſt the Emperour who made the Law, but againſt the Clergy, who deſerved to have ſuch a law made againſt them. He might have

Exod. 36. 6.

Amb Ep. 31. *Hier. ad Nepot.*

have found the like law made by *Nicephorus, Phocas*, and afterwards revived by *Emanuel Comenus*. He might have remembred, that the troubles between the Pope and the *Venetians* did ſpring partly from ſuch a Law. *Nicet. l. 7.*

Briefly, with a little ſearch he might have found like Laws in *Germany, Poland, France, Spain, Italy, Sicily*; And if he will truſt *Padre Paolo*, in the papacy it ſelf. The Prince cannot wrong his Subject that is an owner or poſſeſſour of Lands or hæreditaments in a well ordered State. Then why ſhould it be in the power of a ſubject that is an owner to wrong his Prince and his Country? But by ſuch alienations of Lands to the Church in an exceſſive and unproportionable meaſure, the Prince loſeth his right, that is, both his tribute, and military ſervice, and fines upon change of Tenants. The Common-wealth loſeth its ſupportation and due protection. Therefore they were called the Laws of *Mortmain*, becauſe Lands ſo alienated to the Church were put into a dead hand, from whence they never returned: And ſo in time the whole Signiory ſhould be the Churches, as it is elegantly expreſſed by the *Venetian* Oratour to *Paul* the fifth, *Ne fortunis omnibus exuantur, ne quicquid ſub cœlo Veneto homines arant, ferunt, ædificant, omnia veluti quodam oceano Eccleſiæ abſorbeantur, nihilque ſibi reliqui fiat unde Rempublicam, patriam,* *Conſid. p. 49.*

Oratio ad Paul 5. pro Rep. Veneta.

triam tecta, templa, aras, focos, ſepulchra majorum defendere poſſint, Leſt the Citizens ſhould be turned out of their eſtates, leſt all which men plow, ſow, build under the Venetian heaven ſhould be ſwallowed up in the Ocean of the Church; And nothing be left wherewith to defend the Common wealth, their Country, their houſes, their temples, their altars, their fires, and the ſepulchers of their Anceſtors.

To prevent this great inconvenience, the Lawes of *Mortmain* were deviſed prudently, to ballance the ſpiritualty and the temporalty, that the one do not ſwallow up the other, to which all wiſe Legiſlators have ever had, & ought to have a ſpecial regard.

In *France* no man can build a new church without the Kings Licenſe verified in Parliament: A new monaſtery builded in *Genna* without Licenſe is to be confiſcated. In *Spain* without Licenſe royal no new Religions can enter into the Kingdom. The Fathers of Saint *Francis de Paula* began to build a Church in *Madrid*, upon their own heads, but they were ſtopped. So æquitable, ſo neceſſary, hath this law of *Mortmain* been thought to all Nations.

But to leave this digreſſion, and come up
Mat. par. an. 1164. cloſer to the direct point without any conſequences. In the reign of King *Henry* the ſecond ſome controverſies being likely to ariſe between the Crown and *Thomas Becket* Archbiſhop of *Canturbury*, The King called a general Aſſembly of his Archbiſhops, Biſhops

Biſhops, Abbats, Priors, and Peers of the Realm, at *Clarendon*, where there was made an acknowledgment or memorial, *cujuſdam partis conſuetudinum & libertatum Anteceſſorum ſuorum, Regis videlicet Henrici avi ſui, & aliorum, quæ obſervari debebant in Regno, & ab omnibus teneri, of a certain part of the Cuſtomes and Liberties of his predeceſſors, that is to ſay, his Grand-father* Henry *the firſt ſon of the Conquerour, and other Kings.* (*A parte*) but *ex ungue Leonem*; from the view of this part we may conclude of what nature the reſt were. (*of the Cuſtomes*) The cuſtomes of *England* are the common Law of the Land. (*of his predeceſſors*) that is to ſay, the *Saxon*, *Daniſh*, and *Norman* Kings ſucceſſively. And therefore no marveil if they ought *to be obſerved of all.*

This part of their ancient cuſtomes or liberties they reduced into ſixteen Chapters or Articles, To which all the Archbiſhops, Biſhops and other Eccleſiaſticks, with all the Peers and Nobles of the Realm did not only give their acknowledgment, and conſent, but alſo their oaths, for the due obſervation of them. It would be tedious and impertinent to relate them all, I will only cull out ſome of them. One was, that *all appeals in England muſt proceed regularly from the Arch-Deacon to the Biſhop, from the Biſhop to the Archbiſhop, and if the Archbiſhop failed to do juſtice, the laſt complaint muſt be to the King, to give order for redreſs*, that is, by fit Delegates.

Delegates. But there might be no further or other Appeals without the conſent of the King: whereby the Nunciatures, and Legantine Court, and the Court of *Rome* it ſelf are all at the Kings mercy. Wherein did the Popes great ſtrength lie in thoſe dayes? When his hands were faſt tied both at home and abroad.

Another Cuſtome was, that *no Eccleſiaſtical perſon might depart out of the kingdome without the Kings licenſe* (no not though he were ſummoned by the Biſhop of *Rome*) And if the King permitted them to go, yet *if he required it, they muſt give caution or ſecurity to act nothing hurtful or prejudicial to the King or kingdom in their going thither, abiding there, and returning home.* You ſee our Anceſtors were jealous of *Rome* in thoſe dayes. Whether it was their providence or their experience that taught them this leſſon, certainly their prudence to prevent dangers were very commendable.

A third cuſtome was, that *the revenues of all Eccleſiaſtical dignities* belonging to the Kings demeſne, during the vacancy, were to be received by the King, as freely as the rents of his own demeiſnes. Tell me, who was then the patron and political head of the Church?

A fourth cuſtome was, that *when an Arch-Biſhoprick, Biſhoprick, Abbacy or Priory did fall void, the election was to be made by ſuch of the principal dignitaries or members of that reſpective*

tive Church which was to be filled as the King ſhould call together for that purpoſe, with the Kings conſent in the Kings own Chappell. And there the perſon elected was to do his homage and fealty to the King, as to his Leige Lord. That later form of, *Dei & Apoſtilicæ ſedis gratia*, had taken no root in *England* in thoſe daies.

The reſt are of the ſame nature, as that Controverſies concerning Advowſons ought to be determined in the Kings Court. Benefices belonging to the Kings patronage could not be appropriated without his grant.

When a Clergy man was accuſed of any Delinquency, the Kings court ought to determine what part of his accuſation was of Civil, and what part of Eccleſiaſtical cogniſance. And the Kings Juſtice might ſend to the Eccleſiaſtical Court to ſee it ordered accordingly. None of the Kings Servants or Tenants that held of him in *capite* might be excommunicated, nor their lands interdicted, before the King was made acquainted.

When it was queſtioned whether a Tenement were of Eccleſiaſtick or Lay fee, the Kings Juſtice was to determine it by the oathes of twelve men. All Eccleſiaſticall perſons who held any poſſeſsions from the King in *capite*, were to do ſuit and ſervice for the ſame as other Barons did, and to joyn with the Kings Barons in

in the Kings Judgments, untill it came to ſentence of death, or diminution of member.

To this memorial all the Nobility and Clergy of the Engliſh Nation did ſwear firmly, in the word of truth, to keep all the cuſtomes therein contained, and obſerve them faithfully to the King and his heirs for ever. Among the reſt, *Thomas Becket* the Archbiſhop of *Canturbury* himſelf was carried along with the crowd to take this Oath: Though ſhortly after he fell from it, and admitted the Popes abſolution.

35. E. 1. Statute of *Carlile.* By the Statute of *Carlile* made in the daies of *Edward* the firſt it was declared. That *the holy Church of England was founded in the eſtate of Prelacy, within the Realm of England, by the Kings and Peers thereof.* And that the ſeveral incroachments of the Biſhop of *Rome* ſpecified in that Act, *did tend to the annullation of the ſtate of the Church, the diſinheriting of the King and the Peers, and the deſtruction of the laws and rights of the realm, (contra formam collationis) contrary to the diſpoſition and will of the firſt founders.* Obſerve [*in the ſtate of prælacy*] not of papacy. [*within the realm*] not without it. [*By the Kings*] not by the Popes; of whoſe exorbitant and deſtructive uſurpations, as our Anceſtors were moſt ſenſible; ſo they wanted neither will nor power to remedy them.

To corroborate this law by former preſidents; and thereby to ſhew that our Kings were

were ever accounted the right Patrons of the Engliſh Church. King *Edelwalk* made *Wilfride* Biſhop of the South *Saxons*, now *Chicheſter*. King *Alfrede* made *Aſſerio* Biſhop of *Sherburn*: And *Oenewulphus* Biſhop of *Winchester*. *Edward* the confeſſour made *Robert* Archbiſhop, whom before from a Monk he had made Biſhop of *London*. Thus the *Saxon* Kings in all ages beſtowed Biſhopricks without any contradiction. The *Norman* Kings followed their example. No ſooner was *Stigand* dead, but *William* the Conquerour elected *Lanfrank* Abbat of Saint *Stephens* in *Cuen* to be Archbiſhop. *William Rufus* upon his death-bed elected *Anſelme* to be Archbiſhop of *Canturbury*. And untill the dayes of *Henry* the firſt, the Popes never pretended any right, nor laid any claim to the Patronage of the Engliſh Churches.

Malm. de. Geſt. pont. Aug. p. 257. *Id. l.* 2. *p.* 45. *p.* 242. *Id. l.* 1. *p.* 204.

The articles of the Clergy do preſcribe that *elections be free, ſo as the Kings conge d'eſtire, or Licenſe to elect be firſt obtained, and afterwards the election be made good by the Royal aſſent and confirmation.* And the Statute of proviſors, *Our Soveraign Lord the King and his heirs, ſhall have and enjoy for the time the collations to the Archbiſhopricks and other dignities elective which be of his advowry, ſuch as his progenitors had before free election was granted. Sith the firſt election were granted by the Kings progenitors upon a certain form and condition, as namely, to demand Licenſe of the*

Articuli cleri. 25. E. 3.

the King *to chooſe, and after choice made, to have his royal aſſent. Which condition not being kept, the thing ought by reaſon to return to its firſt nature.*

Further by the ſame Statute of proviſors it is declaratively enacted, That *it is*
25.E. 3. *the right of the Crown of England, and the law of the realm, that upon ſuch miſchiefs and damages happening to the Realm,* (by the incroachments and oppreſſions of the Court of *Rome* mentioned in the body of that law) *The King ought, and is bound by his oath with the accord of his people in Parliament, to make remedy and law, for the removing of ſuch miſchiefs.* We find at leaſt ſeven or eight ſuch Statutes made in the raigns of ſeveral Kings againſt papal proviſions, reſervations, and collations, and the miſchiefs that flowed from thence.

Let us liſten to another law, *The Crown of* England *hath been ſo free at all times, that*
16.R. 2. C. 5. *it hath been in no earthly ſubjection, but immediately ſubjected to God in all things touching its regality, and to no other, and ought not to be ſubmitted to the Pope.* Obſerve theſe expreſſions, free at all times, free in all things, in no earthly ſubjection; immediately ſubjected to God, not to be ſubmitted to the Pope. And all this in Eccleſiaſtical affairs, for of that nature were all the grievances complained of in that law, as appears by the view of the Statute it ſelf. Then if the Kings of *England* and the repreſenta-

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tive body of the Engliſh Church do reform themſelves according to the word of God, and the pureſt patterns of the primitive times, they owe no account to any, as of duty, but to God alone.

By the ſame ſtatute it is enacted, That *they who ſhall procure or proſecute any popiſh Bulls and excommunications (in certain caſes) ſhall incurre the forfeiture of their eſtates, or be baniſhed, or put out of the Kings protection.* By other ſtatutes it is enacted. That *whoſever ſhould draw any of the Kings Subjects out of the Realme, (to Rome) in plea about any cauſe wherof the cogniſance belongeth to the Kings Court, or ſhould ſue in any forrain court to defeat any judgment given in the Kings court, (That is by appealing to Rome) they ſhould incur the ſame penalties.* The body of the Kingdom would not ſuffer *Edward* the Firſt to be cited before the Pope. *Henry* the ſixth by the Councel of *Humphrey* Duke of *Glocester* the Protector, proteſted againſt *Pope Martin* and his Legate, That they would not admit him contrary to the lawes and liberties of the Realm, and diſſented from whatſoever he did. 27. E. 3. c. 1. *Act. and mon.*

So we ſee plainly that the King and Church of *England* ever injoyed as great or geater liberties then the *Gallican* King and church. And that King *Henry* the eighth did no more in effect then his progenitors from time to time had done before him. Only they laboured to damme

up the ſtream, and he thought it more expedient to ſtop up the fountain of papal Tyranny, not by limiting the habitual juriſdiction of the Roman Biſhop, which was not in his power to do, but by ſubſtracting the matter, and reſtraining the actual exerciſe of it within his own dominions. And it is obſervable, that in the greateſt heats of theſe contentions, the Prælates of the Realm being preſent in Parliament diſavowed the Popes incroachments and offered the King to ſtand with him *in theſe and all other cases touching his Crown and regality, as they were bound by their allegiance.* That is, according to the law of Feuds, according to their homage done, and according to the oath which they had taken at their Inveſtitures into their Biſhopricks.

Indeed, of latter daies during thoſe bloudy wars between the houſes of *York* and *Lancaſter*, the Popes ſometimes invaded this undoubted right of our Kings *de facto*, not *de jure*, as was eaſie for them to do. And tendered to the Biſhops at their inveſtitures another oath of their own making, at firſt modeſt and innocent enough, that they ſhould obſerve *regulas Sanctorum Patrum*, *the rules of the holy Fathers*; But after they altered the oath, and falſified their Pontifical as well as their faith, changing *regulas Sanctorum Patrum* into *Regalia Sancti Petri* that they ſhould maintain the Royalties of St. *Peter*. A ſhameleſſe forgery, and admitting

Pont. ſ. vetus. Pontif. novum.

mitting them to be the interpreters of their own forms, opening a gap to rob Kings of the faireſt Jewels of their Crowns, and Biſhops not only of their Juriſdictions, but alſo of their loyalty and allegiance to their lawful Soveraigns, unleſſe they take the oath with a proteſtation, as our Archbiſhop *Cranmer* did, That *he would not bind himſelf to any thing contrary to the Lawes of God or the Realm, or the benefit thereof; Nor yet limit himſelf in the Reformatton or Government of the Church.* Before which time two oppoſite and repugnant Oaths were adminiſtred to the Biſhops, as *Henry* the Eighth made it appear plainly in Parliament. *Ex Regiſt. Cran. p. 4. Hall in Henri. 8. fol. 206.*

Many things in prudence might be done but for fear of ſuch like alterations and incroachments. Our Kings gave Peterpence to *Rome* as an almes; but in proceſſe of time it was exacted as a tribute. The Emperours for more ſolemnity choſe to be ſworn by the Pope at *Rome*, as the Kings of *France* at *Rhemes*, and the Kings of *England* at *Weſtminſter*. And this was mis-interpreted as a doing homage to the Pope.

Rex venit ante fores jurans prius urbis honores,
Poſt homo fit Papæ, ſumit quo dante coronam.
The King doth come before the gate,
First ſwearing to the Cities ſtate.
The Popes man then doth he become,
And of his gift doth take the Crown.

Poets might be bold by authority: but it reſted not there. Good Authors affirm the challenge in good earneſt. And *Clement* the fifth in one of his Canons or Decrees doth conclude it, *declaramus juramenta prædicta fidelitatis exiſtere et cenſeri debere*, we declare that the aforeſaid oaths are and ought to be eſteemed oathes of allegiance. Lay theſe particulars together, Our Kings from time to time called Councels, made Eccleſiaſtical lawes, puniſhed Eccleſiaſtical perſons, and ſee that they did their duties in their callings, prohibited Eccleſiaſtical Judges to proceed, received appeals from Eccleſiaſtical Courts, rejected the Lawes of the Pope at their pleaſure, with a *nolumus*, we will not have the Lawes of *England* to be changed, or gave Legiſlative interpretations of them as they thought good, made Eccleſiaſtical corporations, appropriated benefices, tranſlated Epiſcopal Sees, forbid appeals to *Rome*, rejected the Popes Bulls, proteſted againſt his Legates, queſtioned both the Legates themſelves, and all thoſe who acknowledged them in the Kings bench; I may add, and made them pay at once an hundred and eighteen thouſand pounds as a compoſition for their Eſtates, condemned the excommunications and other ſentences of the Roman Court, would not permit a Peer, or Baron of the Realm to be excommunicated without their conſents, enjoyed the patronage of Biſhopricks, and the inveſtitures of Biſhops, inlarged or reſtrained

Occh. part 2. c. 22.

de ſcent. & rejud.

The Soveraignty of our Kings in Eccleſiaſtical cauſes over Eccleſiaſtical perſons.

ned the priviledge of Clergy, preſcribed the indowment of Vicars, ſet down the wages of Prieſts, and made acts to remedy the oppreſſions of the Court of *Rome*.

What did King *Henry* the eighth in effect more then this? He forbad all ſuits to the Court of *Rome* by proclamation, which *Sanders* calls the beginning of the Schiſme, divers Statutes did the ſame. He excluded the Popes Legates, ſo did the law of the Land, without the Kings ſpecial Licenſe. He forbad appeals to *Rome*, ſo did his predeceſſors many ages before him. He took away the Popes diſpenſations, what did he in that but reſtore the Engliſh Biſhops to their ancient right, and the laws of the Country with the Canons of the Fathers to their vigour? He challenged and aſſumed a political Supremacy over Eccleſiaſtical perſons in Eccleſiaſtical cauſes, So did *Edward* the confeſſour *govern the Church as the Vicar of God in his own Kingdome*. So did his predeceſſours hold their Crowns as *immediately ſubjected to God, not ſubjected to the Pope*. On the other ſide, the Pope by our Engliſh Lawes could neither reward freely, nor puniſh freely, neither whom, nor where, nor when he thought fit, but by the conſent or connivence of the State. He could neither do juſtice in *England* by his Legates without controllment, nor call Engliſh men to *Rome* without the Kings Licenſe. Here is ſmall appearance of a good legal preſcription, nor any pregnant ſigns of

Antiqu. Brit. p. 32. 5.

King *Henry* 8. did no more then his predeceſſours.

any Soveraign power and Juriſdiction, by undoubted right, and ſo evident uncontroverted a title as is pretended.

The judgment of our Engliſh Lawyers. *Fitzherb. Natu. brev. 44. Lord Cook Cawdries caſe.*

I might conclude this my ſecond propoſition with the teſtimonies of the greateſt Lawyers and Judges of our land. Artiſts ought to be credited in their own art. That the lawes made by King *Henry* on this behalf were not operative but declarative; not made to create any new law, but only to vindicate and reſtore the ancient law of *England*, and its ancient Juriſdiction to the Crown. There had needed no reſtitution if there had not been ſome uſurpation. And who can wonder that the Court of *Rome* ſo potent, ſo prudent, ſo vigilant and intent to their own advantage, ſhould have made ſome progreſs in their long deſtined proje&t, during the raigns of ſix or ſeven Kings immediately ſucceeding one another, who were all either of doubtfull title, or meer uſurpers without any title, ſuch as cared not much for the flowers of the Crown, ſo they might but hold the Diademme it ſelf from their competitors.

Therefore our Eccleſiaſtical law was called the Kings law, becauſe the edge and validity of it did proceed from authority royal, our Eccleſiaſtical Courts were ſtiled the Kings Courts by his Judges.

It is true, the habitual Juriſdiction of Biſhops flowes from their Ordination: But the actual exerciſe thereof in publick courts,

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after a coercive manner is from the gracious conceſſions of Soveraign Princes. In a word, the law being meerly intended as a remedy againſt uſurpation, it cannot be a new law, but only a Legiſlative declaration of the old Common Law of *England*.

I will conclude this Chapter with the words of Biſhop *Bilſon*: *As for his Patriarchate by Gods law he hath none; in this Realm for ſix hundred years after Chriſt he had none; for the laſt ſix hundred years looking after greater matters he would have none; Above or againſt the Princes Sword, he can have none; to the ſubverſion of the Faith or oppreſſion of his Brethren he ought to have none; you muſt ſeek further for Subjection to his Tribunall; This Land oweth him none.* The true differ. Part. 2.

CHAP. V.

That the Britannick Churches were ever exempted from forraign Juriſdiction, for the firſt ſix hundred years. And ſo ought to continue.

THirdly, ſuppoſing that the reformed Church of *England* had ſeparated it ſelf from *Rome*, and ſuppoſing that the municipal laws

of the realm then in force had not warranted ſuch a ſeparation; yet the *Britiſh* Churches, that is the Churches of the *Britiſh* Iſlands, *England*, *Scotland*, and *Ireland*, &c. by the conſtitution of the Apoſtles, and by the ſolemn ſentence of the Catholick Church, are exempted from all forraign Juriſdiction, and cannot be Schiſmatical in the lawful vindication of a juſt priviledge ſo well founded; for the clearer manifeſtation whereof let us conſider.

Cyp. de unit. Eccleſiæ. Conc. Eph. in Epiſt. Synod. ad Neſtor. Ambr. et alij. Bell ad Pont. l. 4. c. 22.

Firſt, that all the twelve Apoſtles were equal in miſſion, equal in commiſſion, equal in power, equal in honour, equal in all things, except priority of order, without which no ſociety can well ſubſiſt.

So much *Bellarmine* confeſſeth, that by theſe words, *As my Father ſent me, ſo ſend I you*, Our Saviour endowed them with all the fulneſs of power that mortal men were capable of. And therefore no ſingle Apoſtle had Juriſdiction over the reſt, *par in parem non habet poteſtatem*, but the whole Colledge of Apoſtles to which the ſupream Meſnagery of Eccleſiaſtical affairs did belong in common, whether a new Apoſtle was to be ordained, or the office of Deaconſhip was to be erected, or fit perſons were to be delegated for the ordering of the Church, as *Peter* and *John*, *Judas* and *Sylas*; Or informations of great moment were to be heard, as againſt *Peter* himſelf. Though

The ſupremacy in the whole Colledge of the Apoſtles. Act. 1. Act. 6. Act. 8. & 15. Act. 11.

Peter

Peter out of modesty might condescend and submit to that to which he was not obliged in duty; yet it had not become the other Apostles to sit as Judges upon their Superiour, placed over them by Christ. Or-whether the weightier questions, of the calling of the Gentiles, and circumcision, & the law of *Moses*, were to be determined, still we find the Supremacy in the Colledge. Act. 15.

Secondly, that drousie dream, that the plenitude of Ecclesiastical power and Jurisdiction was given by Christ to Saint *Peter* as to an ordinary pastour, to be derived from him to his successours, but to the rest of the Apostles as delegates for tearm of life, to dye with themselves, as it is lately and boldly asserted, without reason, without authority, either divine or humane, so it is most repugnant to the Doctrine of the Fathers, who make all Bishops to be the Vicars and Embassadours of Christ, (not of the Pope) and successours of the Apostles, indifferently, *Vicaria ordinatione*, who make but one Episcopacy in the World, whereof every Bishop hath an equal share. St. *Peter* was a Pastor, and the Pastoral office is of perpetual necessity in the Church. True; but so were all the rest of the Apostles Pastors as well as he. And if we examine the matter more narrowly *cui bono?* for whose advantage this distinction was devised, it was not for S. *Peters* own advantage, who setting aside his principallity of order) is confessed The other Apostles had successors as well as *S. Peter*.

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to have had but an equall share of power with his fellow Apostles, but for the Popes advantage, and the Roman courts, whom they desire to invest solely with the key of all original Jurisdiction.

Why the Bishop of Rome, S. Peters Successour rather then of Antioch.

And if we trace on this argument a little further, to search out how the Bishop of *Rome* comes to be Saint *Peters* heire, *ex asse*, to the exclusion of his elder brother the Bishop of *Antioch*, they produce no authority that I have seen, but a blind ill grounded legend, out of a counterfeit *Hegesippus*, of Saint *Peters* being about to leave *Rome*, and Christs meeting him upon the way and admonishing him to return to *Rome*, where he must be crucified for his name; which reason halts on both sides; The foundation is Apocriphal, and the superstruction is weak and unjoynted without any necessary connexion.

Plat. in vita Sti. Petri.

The highest constitution of the Apostles exceeded not national Primats.

Thirdly, it appeareth not to us, that the Apostles in their dayes did either set up any universal Monarchy in the Church, or so much dilate the borders or bounds of any one mans single Jurisdiction, as to subject so great a part of the Christian World, as the Western Patriarchate, to his obedience. The highest that they went, if any of those Canons which bear their names be genuine, was to nationall or provincial Primates or Patriarchs, for a Protarch or Primate and a Patriarch, in the language of the ancient Church signified one and the same thing, in whose

whoſe præheminence there was more of order and care, then of ſingle Juriſdiction and power. Read their three and thirtieth Canon. *It behooves the Biſhops of every diſtinct Nation to know him who is their firſt,* (or Primate) *and to eſteem him as their head. And to do nothing that is of difficulty, or great moment contrary to his opinion. But neither let him do any thing without the opinion of all them.* This National Primacy, or Protarchate, or Patriarchate under which the Brittannick Churches flouriſhed for many ages, is the very ſame which we contend for. *Can. Apoſt.* 33.

Fourthly, it is worthy of our iniquiry, how in proceſs of time ſome Primates did obtain a much more eminent degree of honour, and a larger ſhare in the government of the Church then others. And of this their adventitious *Grandeur*, we find three principal fountains. Firſt, ancient cuſtomes. Secondly, the Canons of the Fathers. And thirdly, the edicts of Chriſtian Princes. *How ſome Primates came to be more reſpected in the Church then others.*

Firſt, ancient cuſtomes. Upon this ground the firſt general Councel of *Nice* ſetled the authority and priviledges of the three Patriarchal Sees of *Rome*, *Alexandria*, and *Antioch*, *Let ancient cuſtomes prevail.* And theſe cuſtomes commonly proceeded either from the memory of the Apoſtles, who had founded ſuch Churches, from whence as from Apoſtolical fountains their neighbours *Either by cuſtom.* *Con. Nic.*

bours did fetch ſound doctrine, and reciprocally paid to them due reſpect. So *Oſius* propoſed in the Occidental Councel of *Sardis*, in favour of the See of *Rome*, *Doth it pleaſe you that we ſhould honour the memory of* St. *Peter*? Or from the more powerfull principallity of the City, which is alledged by the Councel of *Chalcedon* as a reaſon of the greatneſs both of the *Sees* of *Rome* and *Conſtantinople*, becauſe they *were the ſeats of the Emperours.*

Or from the grandeur of the City. *Conc. chal. διὰ τὸ βασιλεύειν* &c.

Secondly, the Canons of the Fathers, either without cuſtome or againſt cuſtome. Thus the Biſhop of *Hieruſalem*, an Apoſtolical See, was raiſed above the Biſhop of *Ceſarea* an Imperial City, notwithſtanding the contrary cuſtom. Thus *Conſtantinople*, becauſe it was newly made the ſeat of the Empire, was equalled to an Apoſtolical *See*, that is *Rome*, and preferred before all the reſt, by the general Councels of *Conſtantinople* and *Chalcedon*, notwithſtanding the oppoſition of the Biſhop of *Rome* by his Legats, who grieved the more to ſee *Thracia*, which he conceived to belong to his own Juriſdiction, to be annexed to a rival See.

Or by decrees of Conncels.

Laſtly, the Edicts of Soveraign Princes, who out of favour, either to the place of their birth, or of their reſidence, or of their own foundation, or for the weal-publick, and better accomodation of their ſubjects; have enlarged or reſtrained *Patriarchates* within their

Or by Edicts of Princes.

their own Territories, and raiſed up new Primats or *Patriarchs* as they thought fit: but of this more in my next concluſion.

Fifthly, notwithſtanding the prehemi-nence of the five great Patriarchs of *Rome*, *Conſtantinople*, *Alexandria*, *Antioch* and *Hieruſalem*; and their great power and authority in the Church, eſpecially in general Councels; yet there were many other Protarchs or Patriarchs, who had no dependance upon them at all out of Councel, nor ought them any obedience, but only a precedence and honourable reſpect.

Many Primats ſubject to none of the five grat Patriarchs.

Ruffinus a Prieſt of the Roman Church who lived not long after the Councel of *Nice*; And one who underſtood the ancient proper bounds of the *Roman* Patriarchate as well as any man, doth limit it to the Suburbicary Churches, that is a part of *Italy*, and three Iſlands, *Sicilia*, *Sardinia* and *Corſica*. *Africk* had a Primate of their own at *Carthage*; the reſt of *Italy* at *Millain*; *France* at *Arles* or *Lyons*; *Germany* at *Vienna*; *Brittaine* was removed far enough out of this account.

Ruff. hiſt. Eccl. l.1. c. 6.

But this appears moſt clearly in the caſe betwen the *Patriarch* of *Antioch* and the *Cyprian* Biſhops, ſentenced in the general Councel of *Epheſus*. The *Patriarch* of *Antioch* challenged the ordination of the *Cyprian* Biſhops, and conſequently a *Patri-archal*

The caſe betwen the Patriarch of Antioch and Cyprian Biſhops.

archal Jurisdiction over them; for all other Rights do follow the Right of ordination. They denyed both his right of ordination and juriſdiction. The difference was heard. The witneſſes were examined for matter of fact, And a ſentence was given, not only in favour of the *Cyprian* Biſhops, but of all others which were in the ſame condition. Among which number were our *Britannique* Churches, as ſhall evidently appear in this enſuing diſcourſe.

But firſt let us liſten to the words of the Council; *Since common diſeaſes do need greater remedies, becauſe they bring greater damage; If it be not the antient cuſtome that the Biſhops of* Antioch *ordain in* Cyprus, *as the Councel is ſufficiently ſatisfied; The* Cyprian *Prælates ſhall hold their rights untouched and unviolated, according to the Canons of the holy Fathers and the antient cuſtome, ordaining their own Biſhops. And let the ſame be obſerved in other Dioceſſes, and in all Provinces That no Biſhop occupy another Province, which formerly and from the beginning was not under the power of him or his predeceſſours. If any do occupy another Province, or ſubject it by force, let him reſtore it, that the Canons of the Fathers be not ſlighted, nor pride creep into the Church under the pretext of worldly power, leſt by little and little that liberty be loſt which Chriſt purchaſed for us with his blood. Therefore it hath pleaſed the Holy Synod, that*

Conc. Epheſ. part. 1. Act. 7.

that every Province injoy its rights and customs unviolated, which it had from the beginning. These words from the beginning ἀπ' ἀρχῆς διαθ, are twice repeated. It is no marvel if some addicted to the interest of *Rome* have gone about by Slight of hand, but very unsuccessfully to shuffle this Canon out of the Acts of the Councel. If the Fathers in that Holy and œcumenical Councel, were so tender and sensible of *pride creeping into the Church* in those daies, and of the danger *to lose their christian liberty* in the case of the Bishop of *Antioch*, who neither pretended Divine right, nor universal Jurisdiction, nor superiority above Councels, what would they not have said or done in this present case of the Bishop of *Rome*, who challengeth not only the right of ordaining, but the grace of ordination, and Soveraign Jurisdiction, not over *Cyprus* only, but over the whole Christian world; not from custom, or Canons, or edicts, but from the institution of Christ, who makes all the validity of the decrees of those œcumenical Councels which his Predecessours received and reverenced as the Gospel, to depend upon his own confirmation?

To apply this home to the question. The General Councel of *Ephesus* declared, that no Bishop should occupie any Province, which before that Councel and *from the beginnning*, had not been under the Jurisdiction of him or his Predecessours; And that

Greg. L. 1. Ep. 24. The case of the Cyprian Bishops applyed.

that if any Patriarch usurped any Jurisdiction over a free Province, *he should quit it, for so it pleased*, not the Pope, but *the Holy Synod*, that every province should *injoy its ancient rights pure and inviolate.* Now if it shall evidently appear, that the Bishops of Rome never exercised any manner of Jurisdiction over the *Britannique* Churches from the beginning, no nor yet before the general Councel of *Ephesus*, nor for six hundred years after Christ, that is, untill they themselves had disowned their Patriarchal right, when Pope *Boniface* the third who entered into the *Roman* See about three years after the death of *Gregory* the great, obtained from *Phocas* an usurping Emperour to be universal Bishop, that is to say, an usurping Monarch over the Church, which fell out so soon after the arrival of *Austin* in *England*, that there wanted time to have settled the *Roman* Patriarchate in *Brittain*, though the *Britons* had been as willing to receive it, as they were averse from it: and if no true general Councel since that time hath ever subjected *Bittain* unto the *Roman* court; then the case is clear, that *Rome* can pretend no right over *Brittain*, without their own consents, nor any further, nor for any longer time then they are pleased to oblige themselves; then the subsequent and violent usurpations of the Roman Bishops cannot render them *Bonæ fidei possessores*, lawful owners

owners, but that they are alwayes bound to quit their incroachments, and the Brittannick Churches, and those who derive by succession from them, are alwayes free to vindicate and re-assume their ancient rights and priviledges.

The proof in this cause ought to rest upon our adversaries.

In this controversie by law the burthen of the proof ought to rest upon them, who affirm a right and challenge a Jurisdiction; not upon us who deny it. Men are not put to prove negatives. Let them produce their Registers, and shew for the first six hundred years what Ecclesiastical Courts the Roman Bishops or their Legates have held in *Brittain*, what causes they have removed from thence to *Rome*, upon appeals, what sentences given in *Brittain* they have repealed there, what *Brittish* subjects they have excommunicated, or summoned to appear at *Rome*; let them shew what Bishopricks they have conferred in *Brittain* in those dayes, what *Brittish* Bishops did then intitle themselves to their Bishopricks, *by the grace of God and of the Apostolique See*; let them declare to the World how many of our *Brittish* Primates or Patriarchs of *York*, *London*, or *Caerleon*, have constantly, or at all repaired to *Rome*, to be ordained, or have received Licenses, or dispensations thence for their ordination at home, or elsewhere, for *ordinationis jus cætera jura sequuntur*, He who is necessarily by Law obliged to have recourse to a forreign Prelate for

his ordination, is thereby implyed to be inferiour or ſubject to his ordainer. If they can ſay nothing to any of theſe points, they may diſclaim their Patriarchal right in *Brittain*, and hold their peace for ever.

The reaſons why I ſet *York* before *London* in the order of our Britiſh patriarchs or primates are theſe; Firſt, becauſe I find their names ſubſcribed in that order in the Councel of *Arles*, held in the year 314. conſiſting as ſome ſay of 200. as others ſay of 600. Biſhops, convocated by *Conſtantine* the great, before the firſt Councel of *Nice*, to hear and determine the appeal of the Donatiſts, from the ſentence of the Imperiall Delegates, whereof *Melchiades* the Biſhop of *Rome* was one. It were a ſtrange ſight in theſe dayes to ſee a Pope turn Legate to the Emperours in a cauſe of Eccleſiaſtical cogniſance, Secondly. for the ſame reaſon that *Rome* and *Conſtantinople* in thoſe dayes of the Roman puiſſance were dignified above all other Churches, becauſe they were then the ſeats of the Emperours. *York* was then an Imperial City, the Metropolis of the chief Britannick province, called at that time *maxima Cæſarienſis*. where *Severus* the Emperour died, and had his funeral pile upon *Severs* hill, a place adjoyning to that City, where *Conſtantine* the great was born, *in domo Regali vocata Pertenna*, in the royal palace, whereof ſome poor remainders

remainders are yet to be ſeen, then called *Pertenna*, now a ſmall part of it called vulgarly *Bederna*, a very eaſie miſtake, if we conſider that the Britiſh Pronounce *P.* for *B.* and *T.* like *D.* ſituate near Chriſts Church *in Curia Regis* or in the Kings Court, on the one hand, and extending it ſelf near to St. *Helens* Church upon the walls, now demoliſhed, on the other hand.

Although their ſilence alone to my former demand, (at leaſt of ſo many whom I have ſeen that have written upon this Subject) be a ſufficient conviction of them, and a ſufficient vindication of us, yet for further manifeſtation of the truth; Let us conſider firſt that if we compare the ages and originals of the *Roman* and *Britannick* Churches, we ſhall find that the *Britannick* is the more ancient and Elder Siſter to the *Roman* it ſelf; The Britannick Church being planted by *Joſeph* of *Arimathea* in the raign of *Tyberius Cæſar:* whereas it is confeſſed that Saint *Peter* came not to *Rome*, to lay the foundation of that Church, untill the ſecond year of *Claudius*, *ſecundo Claudii anno in Italiam venit.* So if we look to the beginning according to the direction of the Councel of *Epheſus*, the Britannick Church in its firſt original was free from the Juriſdiction of the Biſhop and Court of *Rome*, where there was neither Biſhop, nor Court, nor Eccleſiaſtick Juriſdiction at that day.

The Britannick Church ancienter then the Roman.

Gild. de ex. id & conqu. Brit.

Plat. in vita Sancti petri bar. an. 44.

The brittannick Churches sided with the Easteru against the Roman.

Secondly, that it continued free in ensuing ages appears evidently by that opposition which the Church of *Britain* maintained against the Church of *Rome*, siding with the Eastern Churches about the question of those times, concerning the observation of *Easter*, and the administration of baptisme, wherein *Austin* about the six hundreth year laboured to conform them, but in vain. Is it credible that the whole brittish and scottish Church should so unanimously have dissented from *Rome*, for many hundred years together, if they had been subject to the Jurisdicton of the Roman Bishop, as of their lawfull Patriarch, or that the *Bishop* of *Rome* in all that time should never so much as question them for it, if they had been his subjects? Even then when Pope *Victor* durst attempt to deny or withdraw his communion from all the *Asiatick* Churches, about the same business. Neither were the brittish Churches at last conformed to *Rome* by any Patriarchall power, but by many conferences, by the necessity of their civil affairs, and by long tract of time, some sooner, some later. A long tract of time indeed, when some in the most septentrional parts of those provinces were not reduced untill a little before the late reformation.

British *Bishops* hrdained at home,

Thirdly, among the principal priviledges of patriarchal power is the right of ordination. That all Metropolitans at least should either

either be ordained by the Patriarch, or by Licenſe from the Patriarch.

This appears clearly in the diſpute between the patriarch of *Antioch* and the *Cyprian* Biſhops; but where the Biſhops were ἀυτεξούσιοι, and ἀυτόνομοι, independent upon, not ſubject unto any forrain Prelate, there theyordained at their own pleaſures, needed no Licenſe. Such were our Britiſh Primates ordained alwayes, or ordinarily at *Rome*, according to the *Cyprian* priviledges, creating new Biſhopricks, ordaining new Biſhops at their own pleaſures, without giving any account to *Rome*. So we read of *St. Telans*, who had been driven out of his own Country by an Epidemical ſickneſs for a long time, that at his return he *conſecrated and ordained Biſhops as he thought fit. That he made one* Hiſmael *Biſhop of S.* Davids. *And in like manner advanced many other men of the ſame order to the ſame degree, ſending them throughout the country, and dividing the pariſhes for the beſt accomodation of the Clergy and of the people.* And if there were no other proofe of our exemption but only the ſmall number of the Biſhops that were ordained by all the ſucceeding Popes for about the firſt three hundred years untill the death of *Marcellinus*: It were ſufficient to ſhew that the Biſhops of *Rome* in thoſe dayes had little or nothing to do out of their own province,

Reg: Land. apud. Uſh. de prim. Eccl. Brit. p. 56.

and that their Juriſdiction extended nothing near ſo far as *Britain*.

Saint *Peter* ordained but three in his ſuppoſed five and twenty years, that is *Linus* and *Cletus*, *ut ſacerdotale Miniſterium Romano populo & advenis benè ſentientibus exhiberent*, and *Clement*, to whom he bequeathed his Epiſcopal Chair. *Linus* but eleven, *Clement* but fifteen, *Anacletus* but ſix, *Evariſtus* but five, *Alexander* but five, *Sixtus* but four, &c. Theſe were few enough for their own province, and none to ſpare for *Britain*. In the whole term of three hundred years there were few above two hundred Biſhops ordained at *Rome*. *Italy* alone may brag well near of as many Biſhops at one time, as many ſucceeding *Popes* did ordain in all their ages. Let them not tell us of the ſcarcity of Chriſtians in thoſe dayes. The writings of *Tertullian* and Saint *Cyprian*, and the Councels held within the time limited, do evince the contrary. No, the firſt badge of their Patriarchal authority in *Britain* was ſending of the Pall, or the only badge during the times of the *Britons* and *Saxons*; And the firſt Pall that came into *Britain* was after ſix hundred years.

Plat.

The anſwer of *Dionothus*.

But this doth yet appear much more clearly from the anſwer of *Dionothus* the Reverend and learned Abbot of *Bangor*, which according to the manner of thoſe times was an Univerſity or Seminary of Learning

Learning and piety among the *Britons*, and he the well deſerving Rector of it, made in his own name, and in the name of the *Britons* when they preſſed him to ſubmit to the *Roman* Biſhop as his Patriarch, that *he knew no obedience due to him whom they called the Pope, but the obedience of love; And that under God they were to be governed by the Biſhop of* Caerleon. *Spelm. conc. An. 601.*

Obſerve firſt, what ſtrangers the *Britons* were to the *papacy*, *That man whom you call the* Pope. Secondly, that they acknowledged no ſubjection or ſubordination, *no obedience* whatſoever due from them to *Rome*, but only the reciprocal duty of love, that was juſt the ſame that *Rome* did owe to them. Thirdly, that *under God*, that is immediatly without any forrein Prelate or Patriarch intervening, *they were to be governed by the Biſhop of Caerleon*, as their only Primate and Patriarch. Which priviledge continued to the ſucceeding Biſhops of that See for many ages afterwards, ſaving that the Archiepiſcopal Chair was removed from *Caerleon* to St. *Davids* in the Raign of King *Arthur*. And laſtly, obſerve the time when this anſwer was made, after the firſt ſix hundred years were expired. So it is a full demonſtrative convincing proof for the whole term prefixed.

But leſt any man ſhould cavil and ſay, that *Dionothus* was but one man, and that the body of the Britiſh Clergy might be of another

Confirmed by two britiſh ſynods.

another mind; that which followes ſtrikes the queſtion dead: That *Auſtin*, Saint *Gregories* Legate, propoſing three things to the *Brittons*. Firſt that they ſhould ſubmit to the *Roman* Biſhop. Secondly, that they ſhould conform to the cuſtomes of the *Roman* Province about the obſervation of Eaſter, and the adminiſtration of Baptiſme. And Laſtly, that they ſhould join with him in Preaching to the *Saxons*: all the *Britiſh* Clergy aſſembled themſelves together, Biſhops and Prieſts in two ſeveral Synods one after another, to deliberate hereupon, and after mature conſiderations, they rejected all his propoſitions Synodically, and refuſed flatly and unanimouſly to have any thing to do with him upon thoſe termes. Inſomuch as St. *Auſtin* was neceſſitated to return over the Seas, to obtain his own conſecration, and after his return to conſecrate the *Saxon* Biſhops alone, without the aſſiſtance of any other Biſhops. They refuſed indeed to their own coſt, twelve hundred innocent Monks of *Bangor*, ſhortly after loſt their lives for it. *Rome* was ever builded in blood; Howſoever theſe words [*quamvis Auguſtino prius mortuo*] have ſince been forged and inſerted into venerable *Bede*, to palliate the matter, which are wanting in the *Saxon* Copy. The concurring Teſtimonies of all our Hiſtoriographers witneſsing the abſolute and unanimous refuſal of the *Britons* to ſubmit to *Rome*, and the matter

Spel. con. an 601. *Galt. mon. l.* 2. *c.* 12. *Beda & omnes alii Reſp. Greg ad.* 8. *queſt*

Bed. l. 2. *c.* 2.

Ant. Brit. p. 48.

ter of fact it ſelf, do confirm this for an undoubted truth beyond all exception. So clear a truth it is, that the *Britiſh* churches for the firſt three hundred years neither ought nor paid any ſubjection to *Rome*. Whence might well proceed that anſwer of *Elutherius* to King *Lucius* (if that Epiſtle be not counterfeit) when he deſired him to ſend over a Copy of the *Roman* Lawes, That *he ſhould chuſe a Law* [Eccleſiaſtical] *out of holy writ by the Councel of his Kingdom*, that is principally of his Biſhops, for (ſaith he) you are the Vicar of Chriſt in your Kingdom. The ſame in effect which is conteined in the Lawes of *Edward* the Confeſſor. Hence it is that both our Hiſtories and our lawes do ſtile our Archbiſhops *Primates*, which in the Language of the Primitive times ſignifies as much as Patriarchs. And ſometimes call them expreſly by the very name of Patriarchs it ſelf. Hence *Urban* the ſecond entertained and welcomed *Anſelm* our Archbiſhop of *Canterbury* into the Councel of *Barre*, *tanquam alterius orbis Papam*, *as the Pope of another world*; Or as others relate the paſſage, as *the Apoſtle of another world*, *and a Patriarch worthy to be reverenced*.

Malm. prol. ad. lib. de geſt pont. Aug. Gloſ. juris C. Cleros diſt. 21.

CHAP.

CHAP. VI.

That the King and Church of England *had both ſufficient authority and ſufficient grounds to withdraw their obedience from* Rome, *and did it with due moderation.*

SO from the perſons who made the ſeparation, from the Lawes and Statutes of our Realm which warranted the ſeparation, and from the ancient Liberties and priviledges of the Britannick Churches, I proceed to my fourth ground drawn from the imperial prerogatives of our Soveraign Princes; that though we ſhould wave all the other advantages, yet they had power to alter in the external diſcipline and regiment of the church, whatſoever was of humane inſtitution, for the benefit and advantage of the body politick.

Soveraign Princes have power to alter whatſoever is of humane inſtitution in Eccleſiaſtical diſcipline.

Doctor *Holden* propoſeth the caſe right by way of objection. *But peradventure the Proteſtants will ſay, that the King or ſupream Senate of every Kingdome or Common-wealth have power to make laws and ſtatutes, by which, either directly, or at leaſt indirectly as well the Clergy as the Laity of that Kingdom or Common-wealth are bound to reject all forrain Juriſdiction, ſuperiority and dependance. And that*

Append. de ſ. biſm. Art. 4. p. 526.

that this Legiſlative power is eſſentially annexed to every Kingdom and Commonwealth, ſeeing that otherwiſe they cannot prevent thoſe dangers which may ſpring and iſſue from that fountain, to their deſtruction and ruine.

The Proteſtants do ſay ſo indeed without all peradventure, upon that very ground which is alledged in the objection. Neither do the Proteſtants want the ſuffrage of *Roman* Catholicks therein. *Becauſe humane nature* (ſaith one) *cannot be deſtitute of neceſſary remedies to its own preſervation.* And another, *To whom a Kingdom is granted, of neceſſity all things are eſteemed to be granted without which a Kingdom cannot be governed. And a Kingdom cannot be governed, unleſs the King enjoy this power even over Clerks,* &c. Neceſſary remedies are no remedies, unleſs they be juſt, but worſe then the diſeaſe. And being juſt, the ſubject is obliged to active obedience.

Suar. l. 3. de prim. ſummi pontificis cap. 1. num. 4. Morl. in Emp. jur. p. 1. tit. 2. Citati a Sanc. clar. in Art. 37.

But let us ſee what the Doctour pleads in anſwer to his own objection. Firſt he paſſeth by the native power of civil Soveraign Empire, which ought not to have been omitted; for therein conſiſts the main force of the argument. But as to the Eccleſiaſtical part, he ſaith he could demonſtrate clearly, if it were needfull, that *the dependence of Biſhops, and other Orthodox Chriſtians upon the Pope, being rightly conceived as it is, and as it is really neceſſary, according to the certain and true principles of Catholick Religon, doth not*

Append. de Schiſm. p. 527.

not bring any the leaſt ſhadow of danger to the Common-wealth, though in hoſtility with the Pope, or of a different communion from the Pope. If we lived in *Plato's* Common-Wealth, where every one did his duty, this reaſon were of more force. Far be it from us to imagine, that the right exerciſe of any lawful power, grounded upon the certain and true principles of Catholick Religion, ſhould be dangerous to any ſociety. But this is not our caſe. What if the Biſhops and Court of *Rome* have ſwerved from thoſe certain and true principles of Catholick religion? or have abuſed that power which was committed to their truſt by Chriſt, or by his Church? Or have uſurped more authority then did belong unto them? Or have engroſſed all Epiſcopal Juriſdiction to themſelves, leaving the Biſhops of the Land but Cyphers in their own Dioceſſes? Or have hazarded the utter ruine and deſtruction of the Church by their ſimony, extortion, proviſions, reſervations, and exemptions? Or have obtruded new unwarrantable Oaths upon the ſubjects, inconſiſtent with their allegiance? Or have drained the Kingdom of its treaſure by pecuniary avaricious arts? Or have challenged to themſelves a negative voice againſt the right heir of the crown; Or authority to depoſe a crowned King, and abſolve his ſubjects from their Oaths and allegiance to their Soveraignes? And have ſhewed them-

themſelves incorrigible in all theſe things. This is our caſe. In any one of theſe caſes, much more in them all conjoyned, it is not only lawful, but very neceſſary for Chriſtian Princes to reform ſuch groſs abuſes, and to free themſelves and their ſubjects from ſuch a tyrannical yoke, if they can by the direction of a general Councel, if not of a Provincial. And it is not Schiſme but loyalty in their ſubjects to yield obedience.

The ſame Author proceeds, That *no civil power how ſoveraign ſoever can correct the fundamental articles of chriſtian faith, nor pervert the order of ſacred rites received by univerſal tradition as inſtituted by Chriſt, nor juſtifie any thing by their edicts which is againſt Chriſtian charity*. To all this we do readily aſſent, and never did preſume to arrogate to our ſelves, or to exerciſe any ſuch power. But ſtill this is wide from our caſe. What if the Biſhop of *Rome* have preſumed to coyn and attempted to obtrude upon us new Articles of Faith, as he hath in his new creed, and to pervert the ſacred rites inſtituted by Chriſt, as in his with-holding the cup from the Laity? Then without doubt not we, but he is guilty of the Schiſme; Then it is lawfull to ſeparate from him in his innovations, without incurring the crime of Schiſme. This is laid down by the Author himſelf as an evident concluſion, and we thank him for it; That *it is neceſſary for every Chriſtian to acknowledge no authority under heaven, either Eccle-*

P. 528. Proteſtants in their reformation have altered no articles of religion nor ſacred rites, nor violated charity.

Ecclesiastical or civil, that hath power to abrogate those things that are revealed and instituted by Christ, or to determine those things which are opposite unto them, quod schismatis origo foret, which should be the original of schisme.

P. 528. But where that Author infers as a corollary from the former proposition. That *no edict of a Soveraign Prince can justifie schism, because all schisme is destructive to Christian charity*; I must crave leave with all due respect to his person, to his learning, to his moderation, and to his charity, to rectifie that mistake. If by *Schisme* he understand criminal Schisme, that which he saith is most true; That were not only to justifie the wicked, *which is an abomination to the Lord*, [Prov. xvii. 15.] but to justifie wickedness it self: But every separation or Schism taken in a large sence is not criminal, nor at all destructive to Christian Charity. Sometimes it is a necessary, Christian, charitable duty. In all the cases that I have supposed above, and shall prove hereafter, they that make the Separation continue Catholicks, and they that give the cause become the Schismaticks.

But it may be urged, That this proceeds from the merit of the cause, not from the authority of the Soveraign Prince.

I answer, It proceeds from both. Three things are necessary to make a publick reformation lawfull; Just grounds, due moderation, and sufficient authority. There may

may be just grounds without sufficient authority, and sufficient authority without just grounds; and both sufficient authority and just grounds without due moderation. But where these three things concur, it justifies the reformation before God and man, and renders that separation lawful, which otherwise were Schismatical.

Lastly, it is alledged, That *the power of the Soveraign Magistrate is not so absolute that he can command any thing at his pleasure, so as to oblige his Subjects to obedience, in things repugnant to the law of nature, or the positive law of God.* No Orthodox Christian can doubt of this truth. The authority of the inferiour ceaseth, where the Superiour declareth his pleasure to the contrary. *Da veniam Imperator, tu carcerem, ille gehennam minatur, Pardon me O Emperour, thou threatenest me with imprisonment, but God Almighty with hell fire.* But this is nothing to our case, neither the Law of nature, nor the Law of God doth injoyn *Brittish* Christians to buy pardons, and indulgences, and dispensations, and bulls, and Palls, and priviledges at *Rome*, contrary to the fundamental Laws of the Realm. *Boniface* the eighth by his Bull exempted the University of *Oxford* from the Jurisdiction of the Archbishop of *Canterbury*, whereupon did grow a controversie between *Thomas Arundel* Archbishop, and the University; And the said Bull was decreed to be void by two succeeding Kings,

P. 530.

Augustine

Nor swerved from the law of nature, or positive laws of God.

Ex Archivis Turris Londinensis ciat author Antiquit. Acad. cantab.

Kings, *Richard* the second, and *Henry* the fourth in Parliament, as being obtained *in præjudicium Coronæ suæ, & Legum & consuetudinum regni sui enervationem, to the prejudice of his Imperial Crown, and to the weakning of the Laws and Customs of his Realm*

In cases doubtful we may not disobey the King and the laws. Exo. 1. 17 1 Sam. 22. 17.

But this disobedience to the decrees of Soveraign Princes must be joyned with passive obedience, it must be only when and where their commands are evidently unjust, such as *Pharaohs* commanding the Hebrew Midwives to kill all the Male-children, or *Sauls* injoyning his guard to slay the Priests of the Lord; or like *Nebuchadnezars* idolatrous edict, charging all men to fall down and worship his golden image. For otherwise if the Case be doubtful, it is a rule in Case-divinity, *Subditi tenentur in favorem Legis judicare*, Subjects are bound to judge in favour of the Law; Otherwise they run into a certain crime of disobedience, for fear of an uncertain. A war may be unjust in the Prince, and yet the Souldier be guiltless. Nor is the Subject obliged to sift the grounds of his Soveraigns commands too narrowly. It happens often, that *reum facit Principem iniquitas imperandi, innocentem subditum ordo serviendi*, The Prince may be unjust in his commands, and yet the Subject innocent in his obedience. Take the case at the worst, it must be doubtful at the least, the Popes Soveraignty and the Jurisdiction of the Roman Court being rejected by three parts of

August. Unjust *commands* may be justly obeyed.

of the Christian world, and so unanimously shaken off by three Kingdoms. And in such a case, who is fittest to be judge, the Pope, the people, or the King; Not the Pope, he is the person accused, And *frustra expectatur cujuslibet authoritas contra seipsum, It is vain to expect that one should imploy his authority against himself.* Not the people; would a Judge take it well, that a Gaoler should detain the Prisoner from execution, untill he were satisfied of the Justice of his sentence? Or a Pilot that he may not move his Rudder according to the alterable face of the Heavens, but at the discretion of the ordinary Marriners? No, whensoever any question hath been moved between any Kingdom or republick of what Communion soever and the Court of *Rome*, concerning the liberties and priviledges of the one, or the extortions and incroachments of the other, they have evermore assumed the last Judicature to themselves, as of right it doth belong unto them.

Princes are obliged to protect their subjects from the tyranny of Ecclesiastical Judges.

The Romanists themselves do acknowledge that Soveraign Princes by the Law of God and nature, not only may, but are in justice obliged to oppose the tyranny of Ecclesiastical Judges, and to protect and free their subjects from their violence and oppression. *Parsons* himself wondreth that any man should deny this power to Kings in their own Kingdomes. But we are fully satisfied and assured, that that universal

Pars. cap. &c. citati a Sancta Clara in Art. 37 p. 420. & 421.

power which the Pope claims by Divine right over all Christians, and particularly over the *Britannick* Churches without their consents; And much more that Jurisdiction which *de facto* he did, or at least would have exercised there, (and less then which he would not go) to the destruction of their natural and Christian liberties and priviledges, was and is a tyrannical and oppressive yoak. If all Christians were as well satisfied of the truth of this our assumption as we are, this controversie were at an end. And thus far all *Roman* Catholicks not interessed, nor prepossessed with prejudice, do accord fully with us, that by whomsoever papal power was given, whether by Christ, or his Apostles, or the Fathers of the Church in succeeding ages, it was given for edification not for destruction. And that the *Roman* Court in later dayes hath sought to impose grievous oppressive and intollerable burthens upon their subjects, which it is lawfull for them to shake off, without regarding their censure, as we shall see in the next proposition. But because all are not so well satisfied about the just extent of papal authority and power, we must search a little higher.

Secondly, we do both agree, that Soveraign Princes may be enabled, and authorized, either by concession or by prescription for time immemorial, (perhaps it were more properly said by virtue of their

Sancta Clara p. 4. 16. & 417.

Soveraign

Soveraign authority over the whole body politique, whereof the Clergy are a part) to exerciſe all externall acts of Eccleſiaſtical coercive Juriſdiction, by themſelves, or at leaſt by fit delegates, *præcipiendo ſuis ſubditis Sacerdotibus, ut excommunicent rebelles & contumaces.* And this is aſſerted in the caſe of Abbeſſes, which being women are leſſe capable of any ſpiritual Juriſdiction. The truth is, that as all Eccleſiaſtical Courts, and all Eccleſiaſtical coercive Juriſdiction did flow at firſt either from the bounty and goodneſſe of Soveraign Princes to the Church, or from their connivence, or from the voluntary conſent and free ſubmiſsions of Chriſtians; *Volenti non fit injuria*, conſent takes away errour, (I excepte alwayes that juriſdiction which is purely ſpiritual, and an eſſential part of the power of the Keyes, whereof Emperours and Kings are not capable.) So whenſoever the Weal-publick, and the common ſafety of their people doth require it, for advancement of publick peace and tranquility, and for the greater eaſe and convenience of the ſubject in general, according to the Viciſſitude and converſion of humane affairs, and the change of Monarchies, they may upon well grounded experience in a National Synod or Councel, more adviſedly retract what their predeceſſours had adviſedly granted or permitted. And alter the face and rules of the external diſcipline of the

Kings may exerciſe externall acts of Eccleſiaſtical juriſdiction by fit delegates.

Church, in all ſuch things as are but of humane right, when they become hurtful or impeditive of a greater good: in which caſes their ſubjects may with good conſcience, and are bound in duty to conforme themſelves to their Lawes. Otherwiſe Kingdoms and Societies ſhould want neceſſary remedies for their own preſervation, which is granted by both parties to be an abſurdity.

The Emperours of old did the ſame.

Weigh all the parts of Eccleſiaſtical diſcipline, and conſider what one there is which Chriſtian Emperours of old did not either exerciſe by themſelves, or by their delegates, or did not regulate by their *Lawes*, or both, concerning the priviledges and revenues of holy Church, the calling of Councels, the preſiding in Councels, the diſſolving of Councels, the confirming of Councels, concerning holy Orders, concerning the patronage of, and nomination to Eccleſiaſtical benefices and dignities, concerning the Juriſdiction, the ſuſpenſion, depoſition, and ordering of *Biſhops*, and *Prieſts*, and *Monks*, and generally all perſons in holy orders, concerning Appeals, concerning Religion and the Rites and Ceremonies thereof, concerning the Creeds or common Symbols of Faith, concerning Hereſie, Schiſme, Judaiſme, the ſuppreſſion of Sects, againſt *Swearing*, *Curſing*, *Blaſpheming*, *Prophaneſſe*, and *Idolatry*, concerning Sacraments, Sanctuaries

aries, Simony, Marriages, Divorces, and generally all things which are of Eccleſiaſtical cogniſance, wherein he that deſires ſatisfaction, and particularly to ſee how the coercive power of Eccleſiaſtical courts and Judges did flow from the gracious conceſſions of Chriſtian Princes, may (if he be not too much poſſeſſed with prejudice) reſolve himſelf, by reading the firſt book of the Code, the *Authentiques* or *Novels* of *Juſtinian* the Emperour, and the Capitulars of *Charles* the great, and his ſucceſſours Kings of *France*. We have been requeſted, ſaid *Juſtinian*, *by Menna the Archbiſhop of this City, beloved of God, and univerſal Patriarch, to grant this priviledge to the moſt reverend Clerks &c.* in pecuniary cauſes referring them firſt to the Biſhop, and if he could not compoſe or determine the difference, then to the ſecular judge; And in criminal cauſes if the crime were civil, to the civil Magiſtrate, if Eccleſiaſtical, to the Biſhop. *By the Councel of our Biſhops and Nobles* (ſaid *Charles* the great) *we have Ordained Biſhops throughout the Citties.* (that is, we have commanded and authorized it to be done.) *And do decree to aſſemble a Synod every year, that in our preſence the Canonical decrees, and lawes of the church may be reſtored.* I beeſeech you, what did our King *Henry* and the Church of *England* more at the reformation?

Novel. 83.

Lib. 5. *capit.*

It is true, Soveraign Princes are not ſaid

properly to make Canons, becauſe they do not preſcribe them under pain of Excommunication, or ſuſpenſion, or degradation, or any ſpirituall puniſhment. But to affirm that they cannot make Eccleſiaſtical conſtitutions, under a civil pain, or that they cannot (eſpecially with the adviſe and concurrence of their Clergy aſſembled in a National Synod) reform errours and abuſes, and remedy incroachments and uſurpations, and innovations, either in faith or diſcipline, and regulate the new Canons, or Cuſtomes of intruders and upſtarts, by the old Canons of the primitive fathers, is contrary to the ſenſe and practiſe of all antiquity. King *Solomon* depoſed *Abiathar* from the High-prieſthood and put *Sadoc* in his place. Nor want we preſidents of Popes themſelves who have been convented before Emperours, as *Sixtus* the third before *Valentinian*, though *Platina* mince the matter a little too much, (*damnatur Baſſus calumniator iniquus annuente Valentiniano, &c.*) *Leo* the third before *Charles* the great. That have been baniſhed by Emperours, as *Liberius* unjuſtly baniſhed by *Conſtantius* and more unjuſtly reſtored, *Silverius* juſtly baniſhed by *Juſtinian*. That have been impriſoned by ſoveraign Princes, as Pope *John* the firſt by *Theodoric*. That have been depoſed by them, as *John* the twelfth by *Otho* the great, and *Gregory* the ſixth by *Henry* the ſecond, *Henricus ſecundus in Italiam*

Popes convented, impriſoned, depoſed by Emperours.

am cum magno exercitu veniens, habita Synodo, cum Benedictium nonum, Sylvestrum tertium, Gregorium sextum, tanquam tria teterrima monstra abdicare se magistratu coegisset, &c. Henry *the second coming into* Italy *with a great army, having convocated a* Synod, *when he had compelled* Benedict *the Ninth,* Sylvester *the third, and* Gregory *the sixth, as three most filthy monsters to quit their government, he created* Syndeger *Bishop of* Bamberge, *afterwards Clement* the second Pope. Of old when any schisme did invest the Roman Church, (as I think no See in the World hath been oftner rent asunder by pretenders to the Papacy) the Emperours when they pleased did assume unto themselves the cognisance thereof, and determine the succession either by themselves, or by their Exarch, or Delegates, as *Honorius* between *Boniface* the first and *Eulalius*, *Theodoric* the King between *Symmachus* and *Laurentius*. The Exarch of *Ravenna* between *Sergius* the first and *Paschalis*. *Otho* the third between *John* the Seventeenth and *Gregory* the fifth. But when these imperial acts are done in Synods, they are more authentick and more conform to antiquity.

Platin. in Greg. 6.

Plat. in Bon. 1.

Plat. in Sym.

Thirdly, our learned and ingenuous country man *Davenport*, under the name of *Franciscus a Sancta Clara*, (far be it from me to censure Christian charity and moderation for lukewarmness, or Atheistical neutrality, like those whose chief religion consists in

crying up a faction, I rather wiſh he had been more univerſally acquainted with our Engliſh doctrine) in his paraphraſtical expoſition of our Engliſh Articles, to this queſtion, *How and whether it be lawfull in points of faith to appeal from the Pope, and to decline his Judgment*, cites the reſolution of *Gerſon* in theſe words following, *hoc etiam practicatum eſt per quoſcunque* Reges *&* principes, *&c. This alſo hath been practiſed by all Kings & Princes, who have withdrawn themſelves from the obedience of thoſe whom ſuch or ſuch did judge to be Popes, which ſubſtractions nevertheleſs were approved by the ſacred Councell of* Conſtance, *ſome expreſly, ſome implicitly.* The moſt Chriſtian King *Lewis* the twelfth convocated a National Councel of the French Church at *Towers*, wherein ſundry Articles were propoſed, deliberated of, and concluded, touching theſe affairs. The third Article was, that if the Pope ſhould invade another Prince in an hoſtile manner, and excite other Princes to invade his territories, whether that Prince might not lawfully withdraw himſelf from the obedience of ſuch a Pope; where obſerve, that though this caſe alone be ſpecified, as being fitted to that preſent controverſie between the King of *France* and the Pope; yet all other caſes of the ſame nature or conſequence are included, And *concluſum eſt per Concilium principem poſſe ab obedientia Papæ ſe ſubducere ac ſubſtrahere; non tamen in totum & indiſtincte*

P. 425.

An. 1110. The councel of *Towers* allowes to withdraw obedience from the Pope in certain caſes.

Conc. Turon. Reſp. ad Art. 3.

ſtinctè, ſed pro tuitione tantum ac defenſione jurium ſuorum temporalium. It was concluded by the Councel, that the Prince might withdraw himſelf from the obedience of the Pope, yet not totally, nor indiſtinctly, but only for the defence of his temporal rights. The fourth propoſition was, when ſuch a ſubſtraction was lawfully made, what the Prince and his ſubjects, more particularly Prelates and other Eccleſiaſticks, ought to do in ſuch things, for which they had formerly had recourſe to the Apoſtolick See. And concluſum eſt per Concilium ſervandum eſſe jus commune, antiquum, & pragmaticam Sanctionem regni, ex decretis Sacro-Sanctis Concilii Baſilienſis deſumptam. It was concluded by the Councell, that the ancient common right was to be preſerved, and the pragmaticall Sanction of the Kingdom, taken out of the decrees of the ſacred Councell of Baſil. The eighth propoſition was, if the Pope proceeding unjuſtly, and by force ſhould pronounce any cenſures againſt ſuch a Prince, whether they ought to be obeyed. And concluſum eſt unanimiter per Concilium talem ſententiam nullam eſſe, nec de jure vel alio quocunque modo ligare. It was concluded unanimouſly by the Councell, that ſuch a ſentence was of no force, not binding in law, or any other way; which opinion or reſolution of theirs the above-mentioned Authour ſaith he ought not to condemn whilſt the Church doth tolerate it.

Reſp. ad Art. 4.

Reſp. ad Art. 8.

Behold

behold principal cause of the separation of the English Church from the Pope, the usurpations and incroachments of the Roman Court upon the Political rights of the Crown, which they would not let go, untill they were quite shaken off.

Anthonius de Rosellis a zealous assertour of the papall authority concludes, that the Pope *being an heretick, or an Apostate, though but in secret, it is lawfull (without any sentence or declaration preceeding) for any of his subjects that know it, especially for Kings and Princes to depart from him, and withdraw themselves from under his power by that natural right which they have to defend themselves.*

In tract. de potest. papæ et imperat.

This may well be doubted of in the case of private persons, before sentence, by those who believe him to be constituted by Christ the Soveraign Monarch of the Universall Church; but in the case of Soveraign Princes with provincial Councells, when General Councells cannot be had, and much more when General Councells have given their sentence formerly in the case (as the Councells of *Constance* and *Basil* have done concerning the papacy,) and with us who are sufficiently resolved that St. *Peter* had no preheminence above his fellowes, but only principality of order and the beginning of unity; and that whatsoever power the Bishop of *Rome* hath more then any other Bishop, it is meerly from the customes

Princes may reform new Canons by old

of

of the Catholique Church, or from the Canons of the Fathers, or from the Edicts of princes, and may be taken away, upon ſufficient grounds, by equal authority to that by which it was acquired; I ſay in this our caſe there can be no doubt at all. And yet it can much leſſe be doubted whether a Soveraign prince with a National Synod may remedy the incroachments and uſurpations of the Roman Court, within his own dominions, or exclude new Creeds and new Articles of faith, lately deviſed and obtruded, contrary to the determination of the General Councel of *Epheſus*, of which let us hear what is Doctor *Holdens* opinion, *Notum eſt inter Catholicos omnes tanquam axioma certiſſimum, &c. It is known that all Catholicks do hold this as a moſt certain axiome, that nothing ought or may be maintained for a Chriſtian revealed truth, but that which was received by our Anceſtours, and delivered from one generation to another by continued ſucceſſion from the times of the Apoſtles.* This is all that we have done, and done it with due ſubmiſsion to the higheſt Judge of Eccleſiaſticall controverſies upon earth, that is a general Councel. If the Court of *Rome* will be humorous, like little children, who becauſe they cannot have ſome toy that they have a mind to, do caſt away all that their parents have given them, we cannot help it.

Part. 2. Act. 6. C. 7. *de. reſol. fid. l. 1. C. 8. P.* 152.

Over and above all the former grounds which

which the *Romaniſts* themſelves do in ſome ſort acknowledg. I propoſe this further, that Patriarchal power in external things is ſubject and ſubordinate to Imperial. When *Mauritius* the Emperour had made a Law that no Souldier ſhould turn Monk, untill his warfare were accompliſhed, St. *Gregory* Biſhop of *Rome* diſliked the Law, and repreſented his ſence of it to the Emperour, but withall according to his duty publiſhed it. *Ego quidem miſſioni ſubjectus eandem legem per diverſas terrarum partes tranſmitto, & quia lex ipſa omnipotenti Deo minime concordat, Ecce per ſuggeſtionis meæ paginam dominis nunciavi; utrobique ergo quæ debui exolvi; qui & Imperatori obedientiam præbui, & pro Deo quid ſenſi minime tacui. I being ſubject to your command have tranſmitted your law to be publiſhed through diverſe parts of the world. And becauſe the Law it ſelf is not pleaſing to Almighty God; I have repreſented my opinion thereof to my Lords; wherefore I have performed my duty on both ſides, in yielding obedience to the Emperour, and not concealing what I thought for God.* A moſt rare and Chriſtian preſident of that great patriarch, and fit for our obſervation and imitation in theſe dayes; He acknowledged the Emperour to be his Lord, and himſelf to be ſubject to his commands. And though no humane invention can warrant an act that is Morally evil in it ſelf, yet if it be only impeditive of a greater good, as that bleſſed

Patriarchal power ſubject to Imperial.

Lib. 2. Ep. 61.

Saint

Saint did take this Law to be, the command of a Soveraign doth weigh down the ſcale, and obligeth a Patriarch to obedience in a matter that concerns Religion. How much more doth the command of the Engliſh Monarch and the Engliſh Church diſoblige an Engliſh ſubject from a forreign Patriach, whoſe Original right is but humane at the moſt, and in the caſe in queſtion between *Rome* and *England* none at all.

But to come up yet cloſer to the queſtion, The general Councels of *Conſtantinople* and *Chalcedon*, with the preſence, concurrence and confirmation of *Theodoſius* the great & *Martian* the Emperours, notwithſtanding the oppoſition of the Roman Biſhop by his Legates, did advance the Biſhop of *Conſtantinople* from being a poor ſuffragan under the Metropolitan of *Heraclea*, to be the ſecond Patriarch, and equall in dignity power and all manner of priviledges, to the firſt, and aſſigned unto him for his patriarchate *Pontus*, and *Aſia* the leſſe, and *Thracia* and ſome other countries, part of which territories they ſubſtracted from the obedience of the *Roman Biſhop*, at leaſt over which the *Roman Biſhops* challenged Juriſdiction, and part from other Patriarchs. And the reaſon of this alteration was the ſame for which *Ceſarea* of old was a long time preferred before *Hieruſalem*; and *Alexandria* before *Antioch*, and *Rome* before all others, to conform the Eccleſiaſticall regiment

Empe-rours have changed Patriar-chats.

Conc. Conſt Can. 3. *Conc. Chalc. Can.* 8.

regiment to the Political, because *Constantinople* was made of a mean City the seat of the Eastern Empire, and had as many Dioceſſes and Provinces subject unto it as old *Rome* it self.

But left it may be conceived, that this was not done at all by Imperial power, but by the authority of the Oecumenical Synods, we may obſerve further, that *Juſtinian* the Emperour by his ſole Soveraign Legiſlative power did new-found the Patriarchate of *Juſtiniana prima*, and aſſign a province unto it, and indow it with moſt ample priviledges, freeing it from all appeals, and all acknowledgment of Superiority, giving the Biſhop thereof equal power with that which the Biſhop of *Rome* had in his Patriarchate. The ſame priviledges and prerogatives were given by the ſame Emperour, by the ſame Legiſlative authority, to the Biſhop of *Carthage*, notwithſtanding that the Biſhops of *Rome* did alwayes pretend that *Carthage* was under their Juriſdiction. I deny not that *Vigilius* and *Gregory* ſucceeding Popes did make deputations to the Biſhop of *Juſtiniana*, to ſupply their places. But this was but an old *Roman* fineneſſe. The Biſhops of *Juſtiniana* needed none of their Commiſſions. *Juſtiniana* the Father and founder of the Imperial Law knew well enough how farr his Legiſlative power did extend. And though the Act was notorious to the whole world, and inſerted into the

By their authority *Novel* 11. & *Novel* 131

the body of the law, yet the Fathers of that age did not complain of any innovation, or uſurpation, or breach of their priviledges, or violation of their rights.

King *Henry* the Eighth had the ſame imperial power, and was as much a Soveraign in his own Kingdomes, as *Juſtinian* the Emperour in his larger Dominions, (as *William Rufus*, ſon and ſucceſſour of the Conquerour ſaid moſt truly, that *the Kings of* England *have all thoſe liberties in their own Kingdomes, which the Emperours, had in the Empire*) and had as much authority to exempt his own ſubjects from the Juriſdiction of one patriarch, and transferr them to another, eſpecially with the advice, conſent and concurrence of a National Synod. So King *Arthur* his predeceſſor removed the Primacy from *Caerleon* to Saint *Davids*, and another of them to *Cauterbury*, for the advantage of their Subjects according to the exigence of the times.

Engliſh Kings as ſoveraign as the Emperours.

Math. Pariſ.

If the Pope had been the King of *Englands* ſubject, as former Popes were the Emperours, he might have ſerved him as they did ſome of his predeceſſours, called a Councel, regulated him, and reduced him to order and reaſon; or, if he proved incorrigible, have depoſed him. But the Pope being a ſtranger, all that he could juſtly do was what he did, rather then to ſee his royall prerogative daily trampled upon, his Lawes deſtroyed, his ſubjects oppreſſed, rather

rather then to have new Articles of faith daily obtruded upon the Engliſh Church, rather then to incur the peril of willful Idolatry, againſt conſcience and therefore formal, to caſhier the Roman Court, with all their pardons and indulgences and other Alchymiſtical devices, out of his Kingdoms, untill time ſhould teach them to content themſelves with moderate things, which endure long. Or untill either a free Oecumenical Councel, or an Europæan Synod ſhould ſettle controverſies, and tune the jarring ſtrings of the Chriſtian world. In the mean time we pitty their errours, pray for their amendment, and long for a reunion.

Two ſorts of grounds for ſubſtraction of obedience.

Now the juſt grounds of ſuch ſubduction or ſeparation are of two ſorts; either the perſonal faults of the Popes, or their Miniſters, as in the caſe of Simony and Schiſme, which ought in juſtice to reflect upon none but the perſons who are guilty; Or elſe they are faulty principles and rules as well in point of Doctrine as of Diſcipline, ſuch as the obtruding of new creeds, the preſſing of unlawfull oaths, and the palpable uſurpation of the undoubted rights of others. And theſe do juſtifie and warrant a more permanent ſeparation, that is, untill they be reformed. Wherefore having taken a view of the ſufficiency of the authority of our Princes to reform; In the next place it is worthy of our ſerious

conſideration

conſideration what were the true grounds of the ſeparation of the Kingdom and Church of *England* from the Court of *Rome*. And ſecondly, whether in the ſubduction or ſubſtraction of their obedience or Communion they obſerved due moderation.

our firſt ground.

The grounds of their ſeparation were many, firſt the intolerable extortions and exceſſive Rapine of the Court of *Rome*, committed in that Realm, by their Legates and Nuncios, and Commiſſioners, and Collectors, and other inferiour Officers and harpies, enough to impoveriſh the Kingdom, and to drain out of it all the treaſure that was in it, and leave it as bare as a graſhopper in winter, by their indulgences and pardons for all kind of ſin at a certain rate, Regiſtred in their penitentiary taxe. Yea as *Ticelius* the Popes pardoner made his bragg in *Germany*, though a man had raviſhed the Mother of God, yet ſo ſoon as the money did but clink in the bottom of the baſon, preſently the ſoul flew out of purgatory. To theſe we may add their diſpenſations of all ſorts, and Commutations, and abſolutions, and contributions, and Reſervations, and Tenths, and firſt fruits, and appeals, and palls, and a thouſand other artifices to get money. As proviſions, Collations, Exemptions, Canoniſations, Divolutions, Revocations, Unions, Commendams, Tolerations, Pilgrimages, Jubilees, *Nulla hic*

Chemnet. Exa. conc. Fred.

Mant. *arcana revelo* ſaith *Mantuan.*

——————*Venalia nobis.*

Templa, ſacerdotes, altaria, Sacra corona,
Ignis, thura, preces, cælum eſt venale deuſque.

Temples, Prieſts, Altars, Myters, holy Orders, Prayers, Maſſes, Heaven, and God himſelf are ſalable at *Rome*. It is no marvel, they that buy muſt ſell; And whilſt I am writing theſe things comes freſh intelligence of a book lately ſet forth, *de Simonia præſentis Pontificis*, (they ſay) not penned, but dictated by ſuch as know right well the moſt ſecret Cabales, and Intriques of the Conclave. *Nam propius fama eſt hos tangere Divos*; which I can eaſily impute more to the fault of the place, then of the Man. The oblation of the body and blood of Chriſt is ſold, faſtings and penitentiary works are ſold, *qui non poteſt jejunare per ſe, poteſt jejunare per alium, vel poteſt dare nummum pro jejunio.* The merits of the Saints being alive are ſold, their relicks being dead are ſold, Scapulars and Monaſtick garments are ſold. The *Jewes* with their Oxen, Sheep, and Doves, were but petty Merchants in compariſon of theſe great bankers. Did any Man deſire a pall? the law it ſelf did direct them what to do, *pallium non datur niſi fortiter poſtulanti*; The Pall would not be given but to thoſe that knocked hard with a ſilver hammer. Was any man a Suppliant to the Court of *Rome*? *Mathew Paris* puts him into a right way,

[*John II. 14.*]

Dist. 100. l. 2.

Tum

Tunc ſedes clementiſſima quæ nulli deeſſe conſuevit, dummodo albi aliquid vel rubei intercedat, præſcriptos Pontifices & Abbates ad pristinas dignitates miſericorditer revocavit; Then the moſt pitifull See, which is not accuſtomed to be wanting to any ſuppliants, ſo they bring white or yellow advocates along with them, did mercifully reſtore the ſaid Biſhops and Abbats to their former dignities. It is almoſt incredible what a maſs of treaſure they collected out of *England* in a ſhort time only from inveſtitures, and ſome other exactions from Biſhops in four years, no leſs then an hundred and ſixty thouſand pounds ſterling as was found by inquiſition. Archbiſhop *Cranmer* paid for his bulls that concerned his Conſecration and Pall nine hundred Duckats, To ſuch an height were the extortions of the Roman Court mounted. *Ex ungue leonem,* Judge by this what the Popes yearly income or revenue out of *England* might be, by all theſe arts which we have formerly mentioned, and many more. Sometimes under pretenſe of recovering the holy Land. Sometimes to relieve the poverty of the Roman Court, Sometimes in palfries, ſometimes in forged bills of Exchange, ſometimes in extorted ſubſidies, ſometimes to a certain ſumme, ſometimes to the fift part of their goods, ſometimes to the third part of Reſidents, and the half of non-reſidents, ſometimes in yearly revenues, as two Prebends of every

In Hen. 1. an. 1103.

Ant. Brit. pag. 326.

Bishop, and the value of the maintenance of two Monks from every Abbat. Sometimes out of the goods of rich Clergy men who died intestate, Sometimes a years wages for payment of Souldiers; some five, some ten, some fifteen according to their estates, Sometimes in Jewels, of all which he that desires to be more fully informed, needs but to read *Mathew Paris* who describes the abuses and extortions of the Roman Bishops Graphically throughout his History; And in one place he bemones the condition of *England* in these words, *Erat igitur videre dolorem præcordialem genas sanctorum irrigare, querelas erumpere, suspiria multiplicare, dicentibus multis cum singultu cruentato, melius est nobis mori quam videre mala gentis nostræ & sanctorum. Væ Angliæ quæ quondam princeps provinciarum, domina gentium, speculum Ecclesiæ, religionis exemplum, nunc facta est sub tributo, conculcaverunt eam ignobiles, & facta est in prædam de generibus, &c. Therefore a man might see sorrow of heart water the eye-lids of holy men, complaints break out, and groans multiplyed, many saying with bloody sighs, it is better for us to die then to see the misery of our Nation, and of holy persons. Wo be to England, which once was the Princesse of Provinces, the Lady of Nations, the glasse of the Church, a pattern of Religion, but now is become tributary, Ignoble fellowes have trodden her under foot, And she is made a prey to base persons.*

Matth. Paris. an. 1247.

Neither

Neither was this the complaint of the Vulgar only: All conſcientious men were of the ſame mind. Who hath not heard of the bitter complaints and free declamations of *Groſthead* the learned and religious Biſhop of *Lincolne*, againſt the Tyranny and rapine of the Roman Courts, both in the time of his health, and upon his death-bed? for which he was ſtiled *Romanorum malleus, the hammer of the Romans*, whereby he ſo much irritated the Pope, that he would have depoſed him, and accurſed him in his life time, if he had not been diſſwaded by his Cardinals in reſpect of the learning, and holineſſe, and deſerved reputation of the Biſhop; and after his death would have had his Corps diſinherited and buryed in a dunghil, but that the Biſhop appeared to him the night before, and gave him, or ſeemed to give him ſuch a ſhrew'd remembrance, partly with words, and partly with his crolier ſtaffe, that the Pope was much terryfied and half dead, ſo that he could neither eat nor drink the day following. M. Par. *in H* 3. *an* 1253. *Idem an* 1254.

The Pope excommunicated *Sewalus* the Arch biſhop of *York* with bell book and candle, but *non curavit voluntati papali relicto Juris rigore muliebriter obedire. Quapropter quanto magis præcipiente papa maledicebatur, tanto plus a populo benedicebatur tacite tamen propter metum Romanorum. He cared not to ſubmit womaniſhly to the Popes will, leaving the ſtraight rule of the Law.* *Idem An* 1257

Where-

wherefore the more he was accuſed by the Popes command, the more he was bleſſed of the People, but ſecretly for fear of the Romans. In his laſt ſickneſs he ſummoned the Pope before the Tribunal of the high and incorruptible Judge, and called Heaven and Earth to be his witneſſes how unjuſtly the Pope had oppreſſed him, *Dixit Dominus Petro, &c. The* [Vol. VII. 167.] *Lord ſaid unto* St. *Peter, feed my ſheep, not clip them, nor flea them, not unbowell them, not devour them.* They who deſire to know what opinion the Engliſh had of the greedineſs and extortion of the Court of *Rome*, may find them drawn out to the life by *Chaucer* in ſundry places.

Id. an. 1258.

Plowmans tale and elſe where.

Such thriving Alchymiſts were never heard of in our dayes, nor in the daies of our fore-Fathers, that with ſuch eaſe and dexterity could change an ounce of lead into a pound of gold. So they had great reaſon to ſay of *England* that it was a well that could not be drawn dry. And *England* had [Matt. XXI. 12.] as much reaſon to whip theſe buyers and ſellers out of the Temple. This complaint is neither new nor particular as we ſhall ſee further in due place.

Our ſecond ground.

The ſecond ground of our Anceſtors ſeparation of themſelves from the Court of *Rome*, were their moſt unjuſt uſurpations, and daily incroachments and intrenchments, and extream violations of all ſorts of rights, civil and Eccleſiaſtical, ſacred and prophane. They endeavoured to rob the King

King of the faireſt flowers of his Crown, As of his right to convocate Synods, and to confirm Synods within his own dominions, of his Legiſlative and judiciary power in Eccleſiaſtical cauſes, of his politicall Juriſdiction over Eccleſiaſtical perſons, of his Eccleſiaſticall Feuds and inveſtitures of Biſhops, of his juſt patronages of Churches founded by his Anceſtors, and of the laſt appeals of his ſubjects. And as if all this had been too little, taking advantage of King *Johns* troubles, they attempted to make the royall Scepter of *England* Feudotary and tributary to the Croſier ſtaffe of *Rome* at the annual rent of a thouſand marks. Neither is this the caſe of *England* alone, ſeeing they make the like pretenſions in matter of fact almoſt to all *Europe*. To ſay nothing now of that Dominion which ſome of them have challenged indirectly, others directly over Soveraign Princes, *Nos imperia, regna, principatus & quicquid habere mortales poſſunt, auferre & dare poſſe. We have power to take away and to give Empires, Kingdoms, principalities, and whatſoever mortal men can have*; becauſe I confeſs that it is not generally received by the *Roman* Church.

Epiſc. Eleienſis.

Platin in Greg. 7.

Mr. *Blackwell* made Archprieſt of *England* by *Clement* the Eighth, cites Cardinal *Allen*, with much honour to his memory, but much ſcandalized at his doctrine, that none can be admitted King of *England* without the Popes leave: His words are

Larg. Exam. p. 18.

these, *Without the approbation of the See Apostolick, none can be lawfull King or Queen of* England *by reason of the ancient accord made between* Alexander *the third, the year* 1171. *and* Henry *the second then King, when he was absolved for the death of St.* Thomas *of* Canterbury, *That no man might lawfully take that Crown, nor be accounted as King till he were confirmed by the Soveraign Pastor of our souls which for the time should be. This accord afterwards being renewed about the year* 1210. *by King* John, *was confirmed the same by oath to Pandulphus the Popes Legate, at the speciall request and procurement of the Lords and Commons, as a thing most necessary for preservation of the Realm from unjust usurpation of Tyrants, and avoiding other inconveniences which they had proved, and might easily fall again into, by the disorder of some wicked King.* To which he adds with the like disapprobation a like testimony of *Stanislaus Christa novic* a Polonian author, who infers upon the former ground that the Pope may depose the King of *England*, as being but a tributary King, his words are these, *Illud impie Legislatores per jusjurandum extorquent a Catholicis, &c. The Lawmakers do impiously by an oath extort this from Catholicks, to deny that the King may be deposed by the* Pope, *and his Kingdomes and Countries by him disposed of. For if by an Honourable and pious grant the Kingdome have become tributary to the* Pope, *why may he*

Admon. to the Nobility by Card. Allen. 1.8.

Exam. Catholol. p. 34.

not

not diſpoſe of it? Why may he not depoſe the Prince *being refactory and diſobedient?* Thus a bold ſtranger altogether ignorant of our hiſtories and of our lawes ſhoots his bolt at all adventures upon the credit of a ſhamefull fiction: but from whom did they learn this leſſon? even from the Pope himſelf. Biſhop *Groſthead* had been a little bold with the Pope for his extorting courſes, calling him *Antichriſt, and murtherer of Souls,* and comparing the Court of *Rome* to *Behemoth that putteth his mouth to the river* Jordan *thinking to drink it up,* and ſtiling the oppreſſion of the Engliſh Nation an *Ægyptian Bondage.* He had good reaſon, for the Court of *Rome* in thoſe dayes was grown paſt ſhame, *(rubore depoſito)* and conſequently paſt grace. The Pope irritated with this uſage breaks out into this paſſionate expreſſion, *Nonne Rex Anglorum noſter eſt Vaſallus, & ut plus dicam mancipium? Is not the King of* England *our Vaſſal, or rather our Slave?* Or rather are theſe fit gueſts to be entertained in a Kingdom that make no more of our Soveraign Princes then their Vaſſals and Slaves, who can neither be admitted to the Crown without their leave, nor hold it but by their grace.

[Job. xli. 23.]

Math. pariſ. an. 1244.

Idem. an. 1253.

This relation of Cardinal *Allen* brings to my remembrance the queſtion of *Neoptolemus* to *Uliſſes* when he ſhould have taught him the art of lying, how it *was poſſible for one to tell a lye without bluſhing?* The Arch-Prieſt is much more ingenuous, affirming

[Soph. Philoct.]

affirming that the *assertions touching both the said Kings* for matter of fact *were untrue. That* Henry *the second never made any such accord with* Alexander *the third, for ought that he could ever read in any Chronicle of Credit. Then that the oath which* Henry *the second did take for himself,* (not for his heirs) was this, that he *would not depart from him or his successours, so long as they should intreat him as a Catholick King. That the fact of King* John *is of more probability, but of as little truth,* which he confirmes by the testimony of Sir *Thomas Moore* a Lord Chancellour of *England,* a man of extraordinary learning, of great parts, of so good affections to the Roman See, that he is supposed to have died for the Popes Supremacy, and is commended by Cardinal *Bellarmine* to Mr. *Blackwell* as a Martyr, and a guide of many others to Martyrdom, *cum ingenti Anglicæ nationis gloria,* certainly one who had as much means to know the truth, both by view of records, and otherwise, as any man living: Thus writeth he, *If he,* (the author of the beggars supplication) *say as indeed some writers say, that King* John *made* England *and* Ireland *tributary to the Pope and the See Apostolick, by the grant of a thousand Marks, we dare surely say again, that it is untrue, and that all* Rome *neither can shew such a grant, nor ever could; And if they could, it were nothing worth. For never could any King of* England *give away the Realm to*

Ro Hoved. Annal. fol. 303.

Ep. gard. Bell. adG. Blackw. Archpr.

Supplic. of Souls, p. 296.

the

the Pope, or make the Land tributary, though he would.

As to that of *Henry* the Second, without doubt the Archprieſt had all the reaſon in the World for him. Cardinal *Allen* did not write by inſpiration, and could expect no more credit then he brought authority. There is a vaſt difference between theſe two, that *no man ſhall be accounted King of England untill he be confirmed by the Pope*: And this other, *that the King in his own perſon would not deſert the Pope, ſo long as he intreated him like a Catholick King.* The former is moſt dishonourable to the Nation, and Diametrally oppoſite to the fundamental Lawes of the Land. The later we might take our ſelves without offence to God or our own conſciences. But to make our Kings their vaſſals and their ſlaves, to impoveriſh their Realm, and to commit all thoſe exorbitant miſdemeanours againſt them, which we have related in part, and ſhall yet deſcribe more fully, was neither to intreat them like Catholick Kings, nor like Chriſtian Kings, nor yet like political Kings.

And for his Saint *Thomas* of *Canterbury* we do not believe that the Popes Canoniſation, or to have his name inſerted into the Calender in red letters, makes a Saint. We do abhominate that murther as lawleſs and Barbarous, to ſprinkle not only the pavements of the Church, but the very altar

tar with the blood of a Prelate, And we condemn all thoſe who had an hand in it: but we do not believe thatthe cauſe of his ſuffering was ſufficient to make him a Martyr, namely to help forraigners to pull the faireſt flowers from his Princes Diadem by violence, and to perjure himſelf, and violate his oath given for the obſervation of the *Articles* of *Clarendon*. All his own Suffragan Biſhops were againſt him in the cauſe, and juſtifyed the Kings proceedings as appeareth by two of their letters, one to himſelf, the other to Pope *Alexander* the third. The Barons of the kingdom reputed him as a Traytor *quo progrederis Proditor? Expecta & audi judicium tuum. Whither goeſt thou Traytor? ſtay and hear thy judgment.* This is certain, the firſt time that ever any Pope did challenge the right of inveſtitures in *England* was in the dayes of *Henry* the firſt, and *Paſchal* the ſecond was the firſt Pope that ever exacted an oath from any forraign Biſhop, above a Eleven hundred years after Chriſt. Before that time they evermore ſwore Fealty to their Prince, *De Homagiis, de Feudis, De Sacramentis Epiſcoporum, Laicis antea exhibitis, There was great conſultation about the Homage, and Fealty, and Oathes of Biſhops in former ages ſworn to Lay-men.* Theſe new articles of faith are too young to make Martyrs.

Hoveden Annal. p. 292.

Idem.

Plat. in paſch. 2.

Concerning

Concerning the ſecond inſtance of K. *John* though I attribute much to the authority of Sir *Thomas More* in that caſe, who would never have been ſo confident unleſſe he had ſuppoſed that he had ſearched the matter to the bottom, yet his zeal to the Papacy and his unwillingneſſe to ſee ſuch an unworthy act proceed from that See might perhaps miſlead him: for I confeſſe ſundry authours do relate the caſe otherwiſe. That there was a propheſie or prediction made by one *Peter* an *Hermite*, that the next day to *Aſcenſion* ſunday there ſhould be no King in *England*. That Pope *Innocent* the third being angry with King *John* excommunicated him, interdicted the Kingdom, deprived him of his Crown, abſolved his ſubjects from their allegiance, animated his Barons and Biſhops againſt him, gave away his Realm to *Philip* King of *France*; ſent *Pandolphus* as his Legate into *England* to ſee all this executed, The King of *France* provides an Army accordingly. But the crafty Pope underhand gives his Legate ſecret inſtructions to ſpeak privatly with King *John*, And if he could make a better bargain for him, and draw him to ſubmit to the ſentence of the Pope, he ſhould act no thing againſt him, but in his favour. They do meet, King *John* ſubmits, The Pope orders him to reſign his Crown and Kingdomes to the See of Rome,

Matth. Paris an. 1212.

So

ſo (they ſay) he did, and received them the next day of the Popes grace as a feudatary at the yearly rent of a thouſand Marks, for the Kingdomes of *England* and *Ireland*, And did homage and ſwear fealty to Pope Innocent.

Math. pariſ. an. 1253.

But whereas the Cardinal adds upon his own head that this was done at the ſpecial requeſt and procurement of the Lords and Commons, it is an Egregious forgery and well deſerves a whetſtone, for all the three Orders of the Kingdom, Biſhops, Barons, and Commons, did proteſt againſt it in Parliament notwithſtanding any private contract that might be made by King *John*; And that they would defend themſelves by arms from the temporal Juriſdiction of the Pope. But the other anſwer of Sr. *Thomas Moore* is moſt certain and beyond all exception, that if either *Henry* the Second, or King *John* had done any ſuch thing, it was not worth a ruſh, nor ſignified any thing, but the greedineſs and prophaneneſſe of theſe pretended vicars of Chriſt, who proſtituted and abuſed their Office, and the power of the keyes, to ſerve their baſe and avaritious ends, and lets the world ſee how well they deſerved to be thruſt out of doors. What? That *no man might be crowned, or accounted King of England, untill he were confirmed by the Pope?* By the Law of *Enlgand*, *Rex non moritur* the King never dies. And doth all acts of Soveraignty before

Harpſ. ad ſæcul. 14. *c.* 5. *Citat. Sanct. clara.*

before his Coronation as well as after.

They robbed the Nobility of their patronages, Thoſe Churches which their Anceſtours had founded and indowed, being by proviſions from *Rome* frequently conferred upon ſtrangers, which could not ſpeak one word of Engliſh, nor did ever tread upon Engliſh ground; Inſomuch, that at one time there were ſo many Italians beneficed in *England*, that they received more money yearly out of it, then all the revenues of the Crown, to the high diſſervice of Almighty God, the great ſcandal of Religion, the decay of hoſpitality, and the utter ruine of the Engliſh Church. *Math. paris. in H. 3. An.* 1245.

But the leaſt ſhare of their oppreſſions did not light upon the Biſhops, who by their diſpenſations, and reſervations of caſes and of penſions, and exemptions, and inhibitions, and viſitations, and tenths, and firſt fruits, and proviſions, and ſubſidiary helps, were impoveriſhed and diſabled to do the duties of their function: They take their aim much amiſs who look upon Epiſcopacy as a branch of Popery, or a device of the Biſhop of *Rome* to advance his own greatneſs. Whereas the contrary is moſt certain, that the Pope is the greateſt Impugner of Biſhops, and the papacy it ſelf ſprung from the unjuſt uſurpation of their juſt rights. Let it be once admitted, that Biſhops are by divine right, and inſtantly

all

all his diſpenſations, and reſervations, and exemptions, and indulgences, and his Conclave of Cardinalls, and the whole Court of *Rome* ſhrink to nothing. This was clearly perceived by both parties in the ventilation of that famous queſtion in the Councel of *Trent*, concerning the divine right of Biſhops, propoſed by the *Almaines*, *Polonians*, and *Hungarians*, ſeconded bravely by the *Spaniards*, proſecuted home by the *French*, owned by the Archbiſhop of *Paris* as the doctrine of *Sorbone*, and only croſſed by the *Italian* faction, to preſerve the glory of their own Country, and the advantages which that Nation doth reap from the papacy. By whoſe frowardneſs and prevarication (in all probability) the reunion of the Church, and the univerſal peace of this part of Chriſtendom in neceſſary truths, was hindred at that time.

I preſume the caſe was not ſo very ill in forrain parts, but yet ill enough. Or otherwiſe St. *Bernard* would not have made ſo bold with *Eugenius*, adding that if the dayes were not evil, he would ſpeak many more things, *Why do you thruſt your ſickle into into other mens harveſt*, &c. He complains of the confuſion of appeals, how they were admitted contrary to law and right, beſides cuſtom and order, without any diſtinction of place, or manner, or time, or cauſe, or perſon. He complains further of the exemption

Bern. l. 3. de conſideratione.

emption of Abbats from their Biſhops, Biſhops from their Archbiſhops, Archbiſhops from their Primates. And this he ſtiles *Murmur & communem querimoniam Eccleſiarum, The murmuring and common complaint of the Churches.*

Laſtly, they cheated and impoveriſhed the people by their diſpenſations and commutations, and pardons, and indulgences, and expeditionsto recover the holy Land, and Jubilees, and pilgrimages, and *agnus Dei's*, and a thouſand pecuniary Artifices. So as no ſort of men eſcaped their fingers.

The third ground of their ſeparation from Rome was, becauſe they found by experience that ſuch forreign Juriſdiction ſo exerciſed was deſtructive to the right, ends of *Eccleſiaſtical* diſcipline, which is in part to preſerve publick peace and tranquillity: to retein Subjects in due obedience, and to oblige people to do their duties more conſcienciouſly. Farre be it from any Chriſtian to imagine that policy is the Spring-head of Religion; There never was yet any one Nation ſo unpolitick and brutiſhly barbarous, but they had ſome religion or other; they who obeyed no governours, but their parents, paid religious duties to ſome god; they who wanted clothes to their backs, wanted not their ſacred Ceremonies; they who were with out municipal Lawes, were ſubject of themſelves to the Law of conſcience. But where

The third ground.

Religion hath loſt its influence and vigour by contempt, and much more where the influence of Religion is malignant; where Policy and Religion do not ſupport one another, but interfere one with another, Societies are like Caſtles builded in the air, without any firm foundation, and cannot long endure, like as that ſingle meteor *Caſtor* appearing without *Pollux* portends an unfortunate voyage. *Let us flatter our ſelves as much as we pleaſe* (ſaid *Tully* to the *Romans*) *we have not overcome the Spaniards in Number, nor the* Galles *in force, nor the* Carthaginians *in craft, nor the* Grecians *in Art, nor the* Italians *in Underſtanding, but the advantage which we have gained over them was by Religious piety.* So great an influence hath Religion upon the body Politique.

Wherefore our Anceſtours having ſeen by long and coſtly experience, that the tyrannical Juriſdiction of the Roman Court, inſtead of peace and tranquility did produce diſunion in the Realm, factions and animoſities between the Crown and the Miter, inteſtine diſcord between the King and his Barons, bad intelligence with Neighbour-Princes, and forreign Wars. Having ſeen a ſtranger ſolicited by the Pope, either to deſtroy them by war, or to ſubdue them to the obedience of the Roman Court. Having ſeen their Native Country given away as a prey to a forreign Prince *Philip* of *France*;

France; And the Pope well near ſeated in the Royal Chair of Eſtate, for him and his ſucceſſours for ever, to the endleſs diſhonour of the Engliſh name and Nation, by the cheating tricks of *Pandolphus* his Legate, having ſeen Engliſh rebells canonized at *Rome*, and made Saints, it was no marvel if they thought it high time to free themſelves from ſuch a chargable and dangerous gueſt.

Fourthly, beſides the former bad influence of forreign Juriſdiction upon the body politick, they found ſundry other inconveniences that incited them to ſeparate from *Rome*: They muſt have been daily ſubject to have had new Creeds and new Articles of Faith obtruded upon them: They muſt have been daily expoſed to manifold and manifeſt peril of Idolatry, and ſinning againſt God and their own conſciences: They muſt have forſaken the Communion of three parts of Chriſtendom, which are not Roman, to joyn with the fourth: They muſt have approved the Popes apparent rebellion againſt the ſupream Eccleſiaſtical power, that is, a general Councel: And their Biſhops muſt have ſworn to maintain him in theſe his rebellious uſurpations, whether they ſhould prefer their native and Chriſtian liberty, or give them up for nothing; whether they ſhould preſerve their Communion with the Catholick Church, or with the Court of *Rome*; The fourth ground.

whether they ſhould deſert the Pope, or involve themſelves in Rebellion, Schiſme, Sacriledge, and Perjury, the choice was ſoon made.

Laſtly, they ſee that the Popes had diſclaimed all that juſt power which they had by humane right, and challenged to themſelves a ſpiritual Monarchy or Soveraignty by divine right, whereby their ſufferings which in themſelves were unſupportable, were made all irremediable, from thence. Wherefore they ſought out a fit expedient for themſelves, being neither ignorant of their old *Britannick* exemption and liberties of the Engliſh Church, nor yet of the weakneſs of the Roman pretences. Our progenitors knew well enough that their authority extended not to take away any the leaſt particle of divine right, if there had been any ſuch, Nor could they juſtly be accuſed of violating that humane right, which had been quitted long before; nor be blamed rightly for denying obedience to him from whoſe Juriſdiction they were exempted by the Canon of an Oecumenicall Councel, and who had himſelf implicitely renounced that Eccleſiaſtical right which he held from the Church.

Perhaps ſome may conceive a defect in the manner of proceeding of the King and Church of *England*, that they did not firſt make a Remonſtrance of their grievances, and ſeek redreſs of the Pope himſelf; So the

the Councel of *Towers* thought it fit. *Visum eſt tamen Concilio, ante omnia mittendos Legatos ad D. Papam* Julium, *&c. It ſeemeth good to the Councel, that in the firſt place meſſengers be ſent from the French Church to the Pope, who may admoniſh him with brotherly love and according to the Evangelical form of correction to deſiſt from his attempts, and to imbrace peace and concord with the princes; But if he will not hear the meſſengers, let him be demanded to convocate a free Councel, according to the decrees of the holy Councel of* Baſil. *And this being done, and his anſwer received, further proviſion ſhall be made according to right.* *Conc. Turon. an. 1510. in fin.*

To this I anſwer firſt, That it had been reaſonable and juſt indeed, that we had made our firſt addreſs to the Pope, if we acknowledged the Roman Biſhop to be our lawfull Patriarch: But the ſame reſpect is not due to an uſurper. Secondly, we have ſeen by frequent experience, how vain and fruitleſs ſuch addreſſes have proved from time to time. According to the former advice of the Councell of *Towers*, the King of *Erance* ſent Embaſſadors to *Rome*, but the Pope refuſed to hear them, or to convocate any Councel, and before his death Anathematized *Maximilian* King of the Romans; the Kings of *France* and of *Navarre*, and divers other Princes, Cardinals, and Biſhops, deprived the Kings and Princes of their reſpective Realms and principalities, the *Extrait des anales d' Aquitaine.*

Biſhops of their dignities and benefices, and gave their Kingdoms and Principalities to the firſt that could take them; from which ſentence they appealed to a future Councel.

The moſt ancient arbitrary impoſition of the Popes upon the Britiſh Churches was the Pall, an honourable and at firſt innocent enſign of an Archbiſhop, otherwiſe of no great moment; firſt introduced in the reigns of the *Saxon* Kings after the ſix hundreth year of Chriſt; But in proceſs of time it became vendible, and a great ſumme was exacted for it, whereof *Canutus* long ſince complained at *Rome*, and had remedy promiſed, as he well deſerved of that See. But how well it was obſerved, the experience of after-ages doth manifeſt, when both the price was augmented, and withall an oath of allegiance to the Pope impoſed, *Electo in Archiepiſcopum ſedes Apoſtolica pallium non tradet, niſi prius præſtet fidelitatis & obedientiæ juramentum. The See Apoſtolick will not deliver the Pall to an elect Archbiſhop, unleſs he firſt ſwear fidelity and obedience to the Pope*: what was become of their old oath of allegiance to their King?

Baron to 11.

Greg. 9. de Elect & Elect. poteſtate.

In the year 1245. the King, the Lords ſpiritual and temporal, and the whole Common-Wealth of *England* joyned together unanimouſly in a complaint, and exhibited their grievances to *Rome*, *that the Pope extorted*

extorted more then his Peter-pence out of the Kingdom contrary to law. that the Patrons of Churches were defrauded of their rights, ſtrangers preferred, ſouls endangered, their bullion exported, the Kingdom impoveriſhed, proviſions made, penſions exacted. That *the Engliſh were drawn out of the Realm by the authority of the Pope, contrary to the cuſtomes of the Kingdom.* They complained of the *coming among them of the Popes infamous meſſenger, (* non obſtante *) by which oathes, cuſtomes writings, grants, ſtatutes, rights, priviledges, were not only weakned, but exinanited.* They complained of *collections without the Kings leave, that hoſpitality was not kept, the poor not ſuſtained, the word not preached, Churches not adorned, the cure of ſouls neglected, divine offices not performed, and Churches ruined by the abuſes of the papal court.* I cannot omit one clauſe in the letter of the Lords to the Pope, *Niſi de gravaminibus domino Regi & regno illatis Rex & regnum citius liberentur, oportebit nos ponere murum pro domo Domini, & libertate regni. Quod quidem ob Apoſtolica ſedis reverentiam, hucuſque facere diſtulimus. Unleſſe the King and Kingdom be quickly freed from theſe grievances, we muſt make a wall (of defence or partition,) for the houſe of the Lord, and the liberty of the Kingdom, which we have hitherto forborn to do out of our reverend reſpect of the Apoſtolique See.* They ſeem to allude to that wall which *Severus* made to ſave the Kingdom from the incurſions of the Scots

Mat. Paris An. 1245.

Idem. An. 1246.

and Picts. Surely that was not more neceſſary then, than that wall of partition which *Henry* the eighth made afterwards, to ſave the Realm from the affronts and extortions and injuries of the *Roman* Court.

Neither did they make their addreſſes to the Pope alone, but to the Councel of *Lyons* by the procters of the whole Nobility and Commonalty of *England*, for redreſſe of the *violent oppreſſions, intollerable grievances, and impudent exactions which were practiſed in England, by means of that hateful clauſe,* non obſtante, *too often inſerted in the Popes Letters.* They repreſented that there were ſo many *Italians* for the moſt part ignorant and unlearned, that underſtood not one *Engliſh* word, nor did ever tread upon Engliſh ground, beneficed among them, that their yeerly revenues exceeded the revenue of the Crown. Neither did they complain only, but threaten and ſwear that they would not permit ſuch abuſes for the future. But what eaſe did the poor Engliſh find by complaining to the Pope either in Councel or out of Councel? *Martine* the Popes Commiſſioner (for he could not ſend a Legate without the Kings conſent) extorts, excommunicates, interdicts, the Pope himſelf is angry, becauſe like ſturdy children *they durſt cry and whimper when they were beaten,* and perſwades the King of *Erance* to invade *England*, and either to depoſe the King or ſubject him to the Court of

Idem an. 1245.

Ibidem.

Id. an. 1246.

of *Rome*, which loſt the Pope the heart of the Engliſh. The King told them that *their King began to kick againſt him, and play the* Frederick. And they threatned, that if he *perſiſted they ſhould be forced to do that which would make his heart ake.* After this *Edward* the third made his addreſſes likewiſe to *Rome* for remedy of grievances, in the yeer 1343. How did he ſpeed? No better then his great Grandfather *Henry* the third. The Pope was offended, and termed his modeſt expoſtulation rebellion. But that wiſe and magnimous Prince was not daunted with words; to requite their invectives, he made the ſtatutes of proviſors and *præmunire*, directly againſt the incroachments and uſurpations of the Court of *Rome*. Whereby he ſo abated their power in England for ſundry ages following, that a Dean and Chapter were able to deal with them, not only to hold them at the ſwords point, but to foyle them. *Walſingh. p.* 161.

Laſtly, King *Henry* the eighth himſelf had been long a ſuiter unto *Clement* the ſeventh, to have his predeceſſor *Julius* the ſeconds diſpenſation for his mariage with his brothers wife, to be declared void. But though the Popes own Doctours & Univerſities had declared the diſpenſation to be unlawful and invalide, and although the Pope himſelf had once given forth a Bull privately to his Legate Cardinal *Campeius* for the revocation thereof, wherein he declared the *See copy of the Bull in Antiſanderus.*

marriage

marriage to be null, and that the King could not continue in it without sin; yet the King found so little respect either to the condition of his person, or to the justice of his cause, that after long delayes, to try if he could be allured to the Popes will, in the conclusion he received a flat denial. This was no great encouragement to him to make any more addresses to *Rome*. So what was threatned and effected in part in the dayes of *Henry* the third, and *Edward* the third, was perfected in the raign of *Henry* the eighth, when the Jurisdiction of the Court of *Rome* in *England* was abolished, which makes the great distance between them and us. Different opinions are often devised or defended on purpose to maintain faction; if animosities, were extinguished, and the mindes of Christians free from prejudice, other controversies might quickly be reconciled, and reduced to primitive general truths. The power *Paramount* of the Court of Rome hath ever been, and still is that *insana laurus*, which causeth brawling and contention, not only between us and them, but between them and the Eastern Churches, yea, even between them and those of their own communion; as we shall see in the next Chapter. Yea, the original source and true cause of all the separations, & reformations made in the Church in these last ages; As all the estates of *Castile* did not forbear to tell the Pope himself

Memorial de sa. Magest ad Carol. an 1633. Lusit genitus p. 43.

himſelf not long ſince in a printed memoriall, and the Kingdom of *Portugall* likewiſe. To conclude this point; Theſe former Kings who reigned in *England* about the years 1200. and 1300. might properly be called the firſt Reformers; and their Lawes of Proviſo's, and *Præmunir's*, or more properly *premoneres* the beginning of the Reformation. They laid the Foundation, and *Henry* the Eighth builded upon it.

The moderation of the Engliſh Reformers.

Now having ſeen the authority of our Reformers, and the juſtice of their grounds: in the laſt place let us obſerve their due moderation in the manner of their ſeparation. Firſt they did not; we do not deny the being of any Church whatſoever, Roman or other, nor poſſibility of ſalvation in them, eſpecially ſuch as hold firmly the Apoſtles Creed, and the faith of the four firſt Generall Councels, Though their ſalvation be rendred much more difficult by humane inventions, and obſtructions. And by this very ſign did Saint *Cyprian* purge himſelf and the *African* Biſhops from Schiſme, *Neminem judicantes, aut à jure communionis aliquem, ſi diverſum ſenſerit, amoventes. Judging no man, removing no man from our communion, for difference in opinion.* We do indeed require ſubſcription to our Articles, but it is only from them who are our own, not from ſtrangers; nor yet of all our own, but only of thoſe who ſeek to be initiated into

Conc. carth. de baptiz. hæret.

into holy horders, or are to be admitted to ſome Eccleſiaſtical preferment. So it is in every mans election whether he will put himſelf upon a neceſſity of ſubſcription or not; neither are our Articles penned with *Anathema's* or curſes againſt all thoſe, even of our own who do not receive them; but uſed only as an help or rule of unity among our ſelves. *Si quis diverſum dixerit*, If any of our own ſhall ſpeak, or preach, or write againſt them, we queſtion him. But *ſi quis diverſum ſenſerit*. If any man ſhall only think otherwiſe in his private opinion, and trouble not the peace of the Church, we queſtion him not. We preſume not to cenſure others to be out of the pale of the Church, but leave them to ſtand or fall to their own Maſter. We damne none for diſſenting from us, we do not ſeparate our ſelves from other Churches, unleſs they chaſe us away with their cenſures, but only from their errours: For clear manifeſtation whereof, obſerve the thirtieth Canon

Can. 30 of our Church, *It was ſo far from the purpoſe of the Church of England to forſake and reject the Churches of Italy, France, Spain, Germany, or any ſuch like Churches in all things which they held & practiſed, &c. that it only departed from them in thoſe particular points wherein they were fallen both from themſelves in their ancient integrity, and from the Apoſtolical Churches, which were their firſt founders.* So moderate are we towards all Chriſtians, whether

whether forreigners or domeſticks, whether whole Churches or ſingle perſons.

But becauſe the Roman Catholicks do lay hold upon this charitable aſſertion of ours, as tending mainly to their advantage: Behold (ſay they) Proteſtants do acknowledge a poſſibility of ſalvation in the Roman Church; But Roman Catholicks deny all poſſibility of ſalvation in the Proteſtant Churches; Therefore the Religion of Roman Catholicks is much ſafer then that of Proteſtants. Hence proceeded their Treatiſe of *charity miſtaken*, and ſundry other diſcourſes of that nature, wherein there are miſtakes enough, but little charity. For anſwer, If this objection were true, I ſhould love my Religion never the worſe. Where I find little charity, I look for as little faith: But it is not true, for when the buſineſs is ſearched to the bottom, they acknowledge the ſame poſſibility of ſalvation to us, which we do to them, that is, to ſuch of either Church reſpectively, as do not erre wilfully, but uſe their beſt endeavours to find out the truth. Take two teſtimonies of the Biſhop of *Chalcedon*, *If they* (that is the proteſtants) *grant not ſalvation to ſuch Papiſts as they count vincibly ignorant of Roman errours, but only to ſuch as are invincibly ignorant of them, they have no more charity then we, for we grant Church, ſaving faith, and ſalvation to ſuch Proteſtants as are invincibly ignorant of their errours.* And in his book of the diſtinction of

Proteſt. plain confeſſion, Ch. 13. p. 151. 152.

Ch. 2. p. 62. of fundamentals, and not fundamentals, he hath theſe words. *If Proteſtants allow not ſaving faith, Church, and ſalvation to ſuch as ſinfully err in not fundamentalls ſufficiently propoſed, they ſhew no more charity to erring Chriſtians then Catholicks do; for we allow all to have ſaving faith, to be in the Church, in way of ſalvation, (for ſo much as belongeth to faith,) who hold the fundamentall points, & invincibly erre in not fundamentals, becauſe neither are theſe ſufficiently propoſed to them, nor they in fault that they are not ſo propoſed.*

Secondly, as our ſeparation is from their errours, not from their Churches: ſo we do it with as much inward charity and moderation of our affections, as we can poſſibly, willingly indeed in reſpect of their errours, and eſpecially their tyrannical exactions and uſurpations, but unwillingly and with reluctation in reſpect of their perſons, and much more in reſpect of our common Saviour. As if we were to depart from our Fathers, or our Brothers houſe, or rather from ſome contagious ſickneſs wherewith it was infected. Not forgetting to pray God daily to reſtore them to their former purity, that they and we may once again enjoy the comfort and contentment of one anothers Chriſtian Society. We pray for their converſion publickly in our Letany, in general; And expreſly and ſolemnly upon Good Friday, though we know that they do as ſolemnly curſe us the day before. If this

this be to be Schiſmatic s, it were no ill wiſh for Chriſtendom that there were many more ſuch Shiſmaticks.

Thirdly, we do not arrogate to our ſelves either a new Church, or a new Religion, or new holy orders: for then we muſt produce new miracles, new revelations, and new cloven tongues for our juſtification. Our Religion is the ſame it was, our Church the ſame it was, our holy orders the ſame they were in ſubſtance, differing only from what they were formerly, as a garden weeded, from a garden unweeded; or a body purged from it ſelf before it was purged. And therefore as we preſume not to make new Articles of faith, much leſſe to obtrude ſuch innovations upon others; ſo we are not willing to receive them from others, or to mingle Scholaſtical opinions with fundamental truths. Which have given occaſion to ſome to call our religion a negative religion; not conſidering that our poſitive articles are thoſe general truths about which there is no controverſie. Our Negation is only of humane controverted additions.

Laſtly, we are ready in the preparation of our minds to believe and practiſe, whatſoever the Catholick Church (even of this preſent age) doth univerſally and unanimouſly believe and practiſe, *Quod apud multos unum invenitur, non eſt erratum, ſed traditum.* And though it be neither lawful nor *Tertull.*

poſſible

poſſible for us to hold actual communion with all ſorts of Chriſtians in all things, wherein they vary both from the truth, and one from another, yet even in thoſe things we hold a communion with them in our deſires, longing for their converſion and reunion with us in truth.

CHAP. VII.

That all Princes and Rebubliques of the Roman Communion, do in effect the ſame thing when they have occaſion, or at leaſt do plead for it.

SO we are come to our fifth concluſion, That whatſoever the King and Church of England did in the ſeparation of themſelves from the Court of Rome, it is no more then all Soveraign Princes and Churches (none of whatſoever communion excepted) do practiſe or do pretend as often as they have occaſion. And firſt, for all Proteſtant Kings, Princes, and Republiques, it admits no denial or diſpute.

Secondly, for the *Grecian* and all other Eaſtern Churches, it can be no more doubted of then of the Proteſtants, ſince they never acknowledged any obedience to be due from them to the Biſhop of Rome, but only

only an honourable reſpect, as to the prime Patriarch and beginning of unity. Whoſe farewel or ſeparation is ſaid to have been as ſmart as ours, and upon the ſame grounds in theſe words, *We acknowledge thy power, we cannot ſatisfie thy covetouſneſſe, live by your ſelves.* *Gerſ. part 4. Ser. de Pace & unit Græc.*

But my aim extends higher to verifie this of the Roman Catholick Princes and Republicks themſelves, as the Emperour, the moſt chriſtian and catholick Kings, the Republick of *Venice* and others. To begin with the Emperours: I do not mean thoſe antient Chriſtian Primitive Emperours who lived and flouriſhed before the dayes of *Gregory* the Great. Such a Court of Rome as we made our ſeceſſion from, was not then in being, nor the colledge of Pariſh Prieſts at Rome turned then into a Conclave of Cardinals, as Eccleſiaſtical Princes of the Oecumenical church. So long there was no need of any ſeparation from them, or proteſtation againſt them. But I intend the later Emperours ſince *Gregorie*'s time, after the Popes ſought to uſurp an Univerſal Soveraignty over the Catholick church, and more particularly the Occidental, that is to ſay, the *French* and *German* Emperours.

Yet the Reader may be pleaſed to take notice, that the caſe of our Kings is much different from theirs in two reſpects. The caſe of England not the ſame with Germany

Firſt, they belived the Roman Biſhop to be their lawful Patriarch, (whether juſtly

or not: is not the Subject of this present discourse,) but we do utterly deny his patriarchal authority over us; And to demonstrate our exemption, do produce for matter of right that famous Canon of the General Councel of *Ephesus*, made in the case of the *Cyprian* Bishops; and for matter of fact, the unanimous Votes of two *Brittish* Synods, and the concurrent testimonies of all our Historiographers. Some have been formerly cited: We might add to them the ancient *Brittish* history called by the author thereof *Brutus*, wherein he relates this answer of the *Brittish* to *Augustine*, Cap. 98. *Se Caerleonensi Archiepiscopo obedire voluisse, Augustino autem Romano Legato omnino noluisse, nec Anglis inimicis & paulo ante Paganis (a quibus suis sedibus pulsi erant) subesse se, qui semper christiani fuerunt voluisse:* That *they would obey the Archbishop of* Caerleon, (that was their Brittish Primate, or Patriarch,) *but they would not obey* Austine *the Bishop of Romes Legate, Neither would the Brittains who had evermore been Christians from the beginning, be under the English, who were their enemies, and but newly converted from Paganisme, by whom they had been driven out of their ancient habitations.* The same history is related by sundry other very ancient Authours.

Graius in scala Chronica, Gocelinus in hist. majore, &c.

A second difference between our English Kings and the later *Germain* Emperours is this, that our Kings by the fundamental constitutions of the Kingdom are hereditary

Kings

Kings, and never dye. So there is an uninterrupted ſucceſſion without any vacancy. But the Emperours are elective, and conſequently not inveſted in the actual poſſeſſion of their Soveraignty without ſome publick ſolemnities. Whereof ſome are eſſential, as the votes of the Electours; ſome others ceremonial, as the laſt Coronation of the Emperour by the Biſhop of Rome, which was really, and is yet titularly his Imperial city. But the Popes who had learned to make their own advantage of every thing, ſacred or civil, took occaſion from hence to make the world believe that the Imperial crown was their gift, and the Emperours their Liegemen. So *Adrian* the fourth doubted not to write to *Frederick Barbaroſſa* the Emperour, *Inſigne coronæ beneficium tibi contulimus*; which was ſo offenſively taken, that (as the *German* Biſhops in their letter to the ſame Pope do affirm (*the whole Empire was moved at it, the ears of his Imperial Majeſty could not hear it with patience, nor the Princes endure it, nor they themſelves either durſt or could approve it.* Whereupon the Pope was forced to expound himſelf, that by *beneficium*, he meant nothing but *bonum factum*, a good deed; and by *contulimus*, nothing but *impoſuimus*, that he had put the crown upon him. So the Emperour complains in his letter to the Biſhops, *A pictura cœpit, à pictura ad Scripturam proceſſit; Scripturam in authoritatem*

Goldaſt. Conſtit.. imper. impreſſæ. Francofurti, an. 1607. p. 1. pag. 62.

prodire conatur, &c. It began with painting, from painting it proceeded to writing, And at laſt they ſought to juſtifie it by authority. We will not (ſaid he) *ſuffer it, we will not indure it, we will rather lay down our Imperial crown, then ſuffer the Empire it ſelf to be depoſed, with our conſent. Let the pictures be defaced, let the writings be retracted, that perpetual monuments of enmity between the Scepter and the Miter may not continue.*

Ibidem.

Thus Pope *Adrian* failed of his deſign; But his ſucceſſour *John* the 22. renewed the Papal claim againſt *Ludovicus* the fourth, in higher terms, as appeareth by his own Bull, wherein he affirms, that *after the tranſlation of the Roman Empire* from the Grecians to the Germans by his predeceſſours the Popes, *ſummus ille honor beneficium Pontificis Maximi eſſe ſolet: the Empire uſed to be the Popes gift.* Adding, that the elections of the German Princes were invalid, unleſs the Pope (*univerſi orbis Chriſtiani Pater atque Princeps, Dei Optimi Maximi Legatus ſuo numine faveat & aſpiret,*) ſhould approve it. And finally, commanding the Emperour *to quit his crown and imperial dignity, and not to reaſſume them but by his command, niſi juſſu & mandato noſtro.* But the Emperour appealed, the Electours and other Princes proteſted againſt the Popes pretended power; And the Emperour and all the States of the Empire made a ſolemn conſtitution againſt it.

Bat. Avionæ, an. 1323. apud. Geld. p. 1. pag. 98.

In comitiis Reinenſibus & Francofurterſibus.

This

This was the ſecond repulſe, yet the Popes were not ſo eaſily ſhaken off, It fortuned about the year 1400, that the Electoral Colledge depoſed *Wenceſlaus* from the Empire, and choſe *Rupert* prince palatine in his place, communicating the whole buſineſs, whilſt it was in agitation, to the Pope, to have his ſpiritual advice, and the countenance of the Apoſtolick See; but yet reſerving the power entirely to themſelves. Howſoever Pope *Boniface* the ninth layes hold of this opportunity, and declares by his bull, that the Electours did it *by his authority*, *authoritate noſtrâ ſuffulti.* And confirmes the ſaid deprivation as good and lawful. *Goldaſt. part. 1. pag. 142.*

This incertainty of ſucceſſion, and this papal pretenſion made ſundry Emperours more fearfull to grapple with the Popes, or to right themſelves from their grievous exactions and uſurpations. In the year 1455. after the death of *Nicholas the fifth, the Germans bewailed their condition to* Frederick *the third, and ſought to perſwade him that he would no longer obey the Roman Biſhops, unleſs they would at leaſt give way to a pragmatical ſanction for the maintenance of the liberties of the German Nation*; like that of the *French* Kings for the priviledges of the *Gallicane* Church. They ſhewed that their condition was much worſe then the *French* & *Italians*, whoſe ſervants, (eſpecially the *Italians*) without a change they were deſervedly *Plat. in Pio. 2°.*

Carol. Molinaus in Commentariis.

called. *Rogabant, urgebant Proceres, populique Germaniæ graviſſimis tum rationibus tum exemplis, tum utilitatem tum neceſſitatem Imperii, &c. The Princes and people of* Germany *intreated and preſſed both the advantage and neceſſity of the Empire. They implored his fidelity, they prayed him for his oaths ſake, and to prevent the infamy and diſhonour of their Nation, that they alone might not want the fruit of their National decrees, that he had as much power, and was as much obliged thereunto as other Kings, &c. Nec certe procul abfuit, &c. It wanted not much,* ſaith *Platina. Molinæus* goes further. *His rationibus victus & permotus Imperator, &c. The Emperour being overcome and moved with theſe reaſons, was about to make as full a Sanction for his Subjects, as the King of* France *had done for his.* What hindred him? Only the advice of *Æneas Sylvius*, who perſwaded him rather to comply with the Pope, then with his people, upon this ground, that *Princes diſagreeing might be reconciled, but between a Prince and his people, the enmity was immortal. Motus hac ratione Imperator, ſpretâ populorum poſtulatione, Æneam Oratorem deligit, qui ad Caliſtum mitteretur. The Emperour being moved with this reaſon, deſpiſing the requeſt of his People, ſends the ſame Æneas as his Ambaſſadour to* Caliſtus. The truth is this, The Emperour feared the Pope, and durſt not truſt his own Subjects. Whence it proceeded, that ſeven years before his death he not only procured his ſon

Plat. ibidem. Molin. ibidem.

Plat. ibidem.

Maximi-

Maximilian to be crowned King of the Romans, but alſo took him to be his companion in the Empire, *ne poſt obitum ſuum (ut factum fuiſſet) transfereretur imperium in aliam familiam: leſt the Empire after his death (as without doubt it had come to paſſe) ſhould have been transferred into another family.* Yet notwithſtanding theſe barres or remora's, the uncertainty of ſucceſſion, and papal pretenſions, the Emperours have done as much in relation to the Court of Rome, as the Kings of England. *Molin.*

Firſt, *Henry* the eighth within his own Dominions did exereiſe a power of convocating Eccleſiaſtical Synods, confirming Synods, reforming the Church by Synods, and ſuppreſſing upſtart innovations by ancient Canons. The Emperours have done the ſame; *Charles* the Great called the Councel of *Franckford*, conſiſting of 300. Biſhops: Witneſſe his own letter to *Elipandus*. *Juſſimus Sanctorum Patrum Synodale ex omnibus undiq; noſtræ ditionis Eccleſiis congregari Concilium. We have commanded a Synodical Councel to be congregated out of all the Churches within our Dominions.* Neither did he only convocate it, but confirme it alſo. *Ecce ego veſtris petitionibus ſatisfaciens, congregationi Sacerdotum auditor & arbiter adſedi. Diſcernimus & Deo donante decrevimus quid eſſet de hac inquiſitione firmiter tenendum. Behold, I ſatisfying your requeſts (* that is, of the *Elipandians* and *Felicians* who made

Emperours convocated and confirmed Synods, and by them reformed the Church. *Apud Goldaſtum. part. 1. pag. 3.*

Chriſt but an adoptive Son of God,) *did ſit in the Councel both as an hearer, and as a Judg, We determine and by the gift of God have decreed what is to be held in this inquiry.* And it is very obſervable how he diſpoſed the reſolutions of this Councel into four Books; The firſt book contained the ſenſe of the Roman Biſhop and his Suffragans; The ſecond of the Arch-biſhop of *Millain* and the Patriarch of *Aquileia*, with the reſt of the Italian Biſhops; The third, the Votes of the German, French, and Britiſh Biſhops; The laſt, his own conſent. The Romans had no more part therein then others, to ſet down their own faith, and to repreſent what they had received from the Apoſtles.

Ibidem.

Lib. 5. capitul. Neither did they only convocate Councels, and confirm them, but in them and by them reformed innovations, and reſtored antient Truthes and Orders. So did the ſame Emperour, *By the counſel of our Biſhops and Nobles we have ordained Biſhops throughout the Cities, and do decree to aſſemble a Synod every year, that in our preſence the Canonical decrees and lawes of the Church may be reſtored.* *Ludovicus Pius* convocated a Councel at *Aquiſgrane* to reform the abuſes of the Clergy, and confirmed the ſame, and commanded the conſtitutions thereof to be put in execution, as appeareth by his own Epiſtle to *Arno* Archbiſhop of *Salzburge*. *Otho* the firſt called a Councel at Rome, and cauſed

Goldaſt p. 1. pag. 12.

John

John the 12th. to be depoſed, and *Leo* the eighth to be choſen in his place. The ſentence of the Councel was, *Petimus magnitudinem Imperii veſtri, &c. We beſeech your Imperial Majeſty, that ſuch a Monſter may be thruſt out of the Roman Church.* And the Emperour confirmed it with a *placet, we are pleaſed.* *Idem. p. 1. pag. 34.*

Henry the fourth called a German Synod at *Wormes*, And another of Germans and Italians at *Brixia*, wherein ſentence of deprivation was given againſt *Gregorie* the ſeventh, and confirmed by the Emperour. *Quorum ſententiæ quod juſta & probabilis co[illegible] Deo hominibuſq; videbatur, &c. ego quoq; aſſentiens omne tibi Papatus jus quod habere viſus es abrenuncio, &c.* Ego Henricus *Rex Dei gratia cum omnibus Epiſcopis noſtris tibi dicimus, Deſcende, deſcende:* to whoſe ſentence becauſe it ſeemed juſt and reaſonable before God and men, I alſo aſſenting, do declare thee to have no right in the papacy, as thou ſeemeſt to have. I *Henry* by the Grace of God King of the Romans, with all our Biſhops do ſay unto thee, Deſcend from thy Seat, deſcend. *Id. p. 45. & 50.*

So *Frederick* the firſt called a Councel at *Papia*, to ſettle the right ſucceſſion of the Papacy, wherein *Roland* the Cardinal was rejected, and *Victor* declared lawful Biſhop of Rome. And all this was done with due ſubmiſsion to the Emperour. *Chriſtianiſſimus Imperator, &c. The moſt Chriſtian Emperour* *Golaaſt. part. 1. pag. 70.*

perour in the last place after all the Bishops and Clergy, by the advice & upon the petition of the Councel, received and approved the election of Victor.

I will conclude this first part of the parallel with the words of the same Emperour, in the same Councel, *Quamvis noverim officio ac dignitate Imperii penes nos esse potestatem congregandorum Conciliorum, &c. Although I know that by vertue of our office and Imperial dignity, the power of calling Councels rests in us, especially in so great dangers of the Church: For both* Constantine, *and* Theodosius, *and* Justinian, *and of fresher memory* Charl[illegible] *Great and* Otho, *Emperours, are recorded to have done this; Yet I do commit the authority of determining this great and high business to your wisdom and power*, that is, to the Bishops there assembled.

Rodevic. de Gestis Fred. 1. lib. 2. c. 56

The English Reformation not schismatical.

But it may be objected, that the Emperours with their Synods never made any such Schismatical reformation, as that which was made by the Protestants in England. I answer, First, that the Schisme between the Roman Court and the English Church, (other Schisme I know none on our parts) was begun long before that reformation in the daies of *Henry* the eighth, and the breach sufficiently proclaimed to the world, both by Romish Bulls and English Statutes. We could not be the first seperatours of our selves from them, who had formerly thrust us out of their doors. It is not Schismatical

cal to ſubſtract obedience from them to whom it is not due, who had extruded us out of their Society: but it is Schiſmatical to give juſt cauſe of ſubſtraction.

Secondly, I anſwer, That there was a great neceſſity of Reformation both in *Germany* and *England*. For proof whereof, I produce two witneſſes beyond exception, the one a Pope, the other a Cardinal. The former is *Adrian* the ſixth, in his inſtructions to his Legate, in the year 1522. which the princes of the Empire take notice of in their anſwer. His words are theſe, *Scimus in hac Sancta ſede aliquot jam annis multa abhominanda fuiſſe*, &c. *We know that for ſome by-paſt years many things to be abominated have been in this holy See, abuſes in ſpiritual matters, exceſſes in commands; and to conclude, all things out of order, &c. wherein for ſo much as concerns us, thou ſhalt promiſe that we will uſe all our endeavour, that firſt this Court from whence peradventure* (ſure enough) *all the evil did ſpring, may be reformed, that as corruption did flow from thence to the inferiour parts* (of the Church), *ſo may health and reformation. To procure which, we do hold our ſelves ſo much more ſtrictly obliged, by how much we do ſee the whole world greedily deſire ſuch a reformation. O Adriane, ſi nunc viveres.* *Goldaſt. part. 2. pag. 29. & 31.*

The other witneſs is Cardinal *Pool*; who makes two main ends of the Councel of *Trent*: The one, the reconciling of the *Lutherans*; The other, quo pacto ipſius Eccleſiæ

ſiæ præcipua, vel potius omnia fere membra, ad veterem diſciplinam & inſtituta, à quibus non parum declinârunt, revocentur.

Regin. polus de concilio, pag. 86.

To conſider how the principal members of the Church, or rather almoſt all the members, might be reduced to their ancient diſcipline and ordinances, from which they had ſwerved much. Yet

Reformatio Anglia, edit. Venet. 1562.

when himſelf was ſent afterwards by *Paul* the fourth to reform the Church of *England*, it ſeemeth that he had forgotten thoſe great deviations of the principall members, and thoſe very repreſentations which he himſelf with eight other ſelected Cardinals and Prelates had made upon oath to *Paul* the third: Then he ſaw that this lying flattering principle, that *The Pope is the Lord of all benefices, and therefore cannot be a Simoniack*, was the fountain, ex quo tanquam ex equo *Trojano* irrupere in Eccleſiam Dei tot abuſus, et tam graviſſimi morbi, &c. *from which as from the* Trojan *horſe ſo many abuſes and ſo grievous diſeaſes had broken into the Church of God, and brought it to a deſperate condition, to the deriſion of Chriſtian religion, and blaſpheming of the name of Chriſt: And that the cure muſt begin there, from whence the diſeaſe did ſpring*, by taking away all abuſes in diſpenſations of all kinds, and ordinations, and collations, and proviſions, and penſions, and permutations, and reſervations, and coadjutorſhips, and expectative graces, and unions, and non-reſidence, and exemptions, and abſolutions, all and ſuch

Concil. de lect Cardinal. edit. Lutet. an. 1612. pag. 131, &c.

pecuniary

pecuniary artifices: because *it is not lawfull by any means to reap any again from the exerciſe of the power of the* Keyes. *Tollantur* (ſay they) *hæ maculæ, &c. Let theſe ſpots be taken away, to which if any entrance be given in any Common-wealth or Kingdom whatſoever, it muſt needs fall headlong inſtantly or very ſhortly to ruine.* Pag. 140.

Thirdly, I anſwer, that the Emperours and the German Church did not only deſire a reformation, as appeareth by the Letter of *Sigiſmond* the Emperour to the King of France, *Maximo deſiderio jamdudum tenebamur, &c. We have long deſired greatly to ſee the only Spouſe of Chriſt the Catholick Church happily reformed in our daies, but after we were aſſumed to the imperiall Government, our deſire paſſed into command*, &c. And the adviſes of *Conſtance* conceived by the Deputies of the *German* Nation in that Councel, againſt ſome ſpecial abuſes of the Pope and his Cardinals: And by the adviſes of *Ments* made and concluded in that City by the States of the Empire, in the time of the Councel of *Baſile*, for preſerving the authority of General Councels; for reliefe from grievances; for procuring of conditions from the Pope; for preſervation of their juſt liberties; and for prevention of the abuſes, and exceſſes, and extortions of the Roman Court: And by the *hundred Grievances of the German Nation* propoſed to the Popes Legate by the Princes and Lords of the *An.* 1415. *Goldaſt. part.* 1. *pag.* 146. *Idem. pag.* 149. *Idem. pag.* 155. *Idem. p.* 2. *pag.* 30.

the Roman Empire, againſt the injures, extortions, and uſurpations of the See of *Rome*, and the incroachments and oppreſſions of Eccleſiaſtical Courts, and perſons: And laſtly, by the gracious promiſe of *Charles* the fifth to hold a Dyet within half a year, wherein it ſhould be reſolved, what way the differences in Religion ſhould be ſetled and quieted, whether by a General, or National Councel, or Imperial Dyet.

Idem.p.2. pag. 177.

Neither did the Emperour and the German Nation only indeavour to reform, but they did in ſome meaſure actually reform the exceſſes of the Roman Court, and other Eccleſiaſtical abuſes and innovations; as it hath already been verified of *Charles* the Great, and *Ludovicus Pius*. This appeareth yet more plainly by the *concordates* (as they are ſtiled) *of the German Nation* with *Gregory* the 13th. And the agreements of *Frederick* the third and the Princes of the Empire with Pope *Nicholas* the fifth, whereby the Exceſſes and abuſes of the Roman Court are ſomething abated, and reduced: And by the Ghoſtly or Eccleſiaſtical reformation made by *Sigiſmond* the Emperour, in the year 1436, containing 37 Chapters or Articles, for regulating the Pope and his Court, Cardinals, Archbiſhops, Biſhops, Suffragans, Abbats, Monks, Friars, Nunnes, and all ſorts of Eccleſiaſtical or religious perſons.

Gold.p.1. pag.207.

Id.p.211.

Idem.pag. 270.

I

I cannot here omit a witty anſwer of this Emperour, as he was deliberating with ſome Eccleſiaſtical perſons about a Reformation, and one ſaid it muſt begin with the Minimes. No, ſaid he, *non a Minoritis, ſed a Majoritis*, not with the Minimes, but with the Maximes, or great ones, that is, the Pope and the Cardinals, and the court of Rome. *Catalog. teſtium veritatis.*

This appears alſo by the *Interim*, or declaration of Religion made by *Charles* the fifth, atteſted with his Imperial ſeal, and accepted and approved by the States of the Empire, aſſembled in a Dyet at *Auſburge*, *May* 15. in the year, 1548, where the whole exerciſe of Religion is eſtabliſhed, untill the definition of a Councel. I produce it not to ſhew what it was, but what power the Emperour did aſſume in point of religion; wherein theſe words are contained: *Quod autem in ſupradicta declaratione ſub rubrica, de ceremoniis & uſu Sacramentorum inter alia dicitur, [in quæ tamen ſi quid irrepſit quod cauſam dare poſſit ſuperſtitioni, tollatur.] Reſervat ſibi ſoli Cæſarea Majeſtas, &c. And whereas in the aforeſaid declaration under the rubrick of ceremonies and the uſe of the Sacraments, among other things it is ſaid [into the which nevertheleſſe if any thing have crept that may adminiſter occaſion of ſuperſtition, let it be taken away.] His Imperial Majeſty doth reſerve unto himſelf alone in this and the like Articles, where and as often as it ſhall* *Gold part. 2 p 109*

be

be needful, now & hereafter, the right to correct, to add, to detract, as it ſhall ſeem juſt and equal to himſelf, according to the preſent exigence of affairs.

Gold. part. 2. p. 197. Laſtly, this appeareth by the declaration of *Ferdinand* the Emperour made in the year 1555, in favour of the *Auguſtane* Confeſſion, and the profeſſours thereof.

Secondly, the King of England in their great councels did make themſelves the laſt Judges of the Liberties and grievances and neceſſities of their people, even in caſes Eccleſiaſtical, not the Pope. They had reaſon. In vain is the Court of Romes determination expected againſt it ſelf. The Emperours did the ſame. So *Lodovic* the fourth in his Apology againſt Pope *John* the 22th. declareth, that the Pope ought not, cannot be a competent Judge in his own cauſe. The Pope challenged ſuch a confirmation of the Emperour, without which his election was invalid. The Emperour determined the contrary in the Dyet of *Frankford*, *An.* 1338.

Gold. p. 1. p. 103.

Idem p. 99 The Emperours made themſelves the laſt Judges of their liberties and neceſſities.

Declaramus quod Imperialis dignitas eſt immediate a ſolo Deo, &c. We declare that the Imperial dignity is immediately from God alone; And that election gives a ſufficient title, And that the Popes approbation or diſapprobation ſignifies nothing. The Pope attempted to divide Italy from the German Empire, by his fulneſſe of power. The Emperour declares the act to be invalid, and of no moment.

When

When the Princes and States of the Empire had prefented the hundred grievances of the Germain Nation to the Popes Legate, they add this concluſion: Quod ſi enumerata onera atque gravamina, &c. *But if the aboveſaid burthens and grievances be not removed within the time limited or ſooner from the eyes of men, and aboliſhed & abrogated, (which the Lay-States of the Empire do not expect,) then they would not have his Holineſs to be ignorant, that they neither can nor will bear or indure the aforeſaid moſt preſſing and intolerable burthens any longer,* but find out other means of eaſe, and vindicate their former liberties and immunities. As the ſenſe of their ſufferings was their own, ſo they would have the remedy to be their own, and not leave the cure to a tyrannical Court. *Gold. part: 2. p. 58.*

To this adde the Proteſtation and the Oath of the Electoral Colledg and the other Princes of the Empire, mentioned in their letter to *Benedict* the 12th. Quod jura, honores, bona, libertates, & conſuetudines Imperii, &c. *That they would maintain, defend and preſerve inviolated, with all their power and might, the rights, honours, goods, liberties, and cuſtomes of the Empire, & their own Electoral right belonging to them by law or cuſtome, againſt all men, of what prehemiñence, dignity, or ſtate ſoever,* (that is to ſay in plain terms, againſt the Pope and his Court,) *notwithſtanding any perils or mandates, or proceſſes whatſoever,* that is, notwithſtanding any *Idem. p. 1. p. 100.*

citations, or bulls, or excommunications, or interdictions from Rome.

Take but one inſtance more: *Ferdinand* the preſent Emperour out of an unavoidable neceſſity, to extinguiſh the flame of a bloody inteſtine war, and to ſave the Empire from utter ruine, contracts a peace with the King of *France*, the *Swedes*, and their adherents, whereby ſundry Biſhopricks and other Eccleſiaſtical dignities were conferred upon Proteſtants, lands and other hereditaments of great value were alienated from the Church in perpetuity, free exerciſe of their Religion was granted to thoſe of the *Auguſtan* Confeſſion, Annates, confirmations, and other pretended papal rights were aboliſhed. The Popes extraordinary Nuncio proteſted againſt it: And Pope *Innocent* himſelf by his Bull bearing Date Novemb. 26. in the year 1651, declared *the contract to be void, annulled it, and condemned it as injurious and prejudicial to the Orthodox Religion, to the See of Rome, and to the rights of Holy Church, notwithſtanding the municipal Lawes and immemorial cuſtomes of the Empire, and notwithſtanding any Oathes taken for the obſervation thereof.* Yet the Emperour and the Princes of Germany ſtand to their contracts, aſſert the municipal lawes and cuſtomes of the Empire; and aſſume unto themſelves to be the only Judges of their own priviledges and neceſſities.

Bul. Innocentii. Inſt. Romæ. an. 1651.

Thirdly, *Henry* the eighth challenged to himſelf

himself the patronage of Bishopricks, and investitures of Bishops, within his own Dominions. The Emperours did more: *Adrian* the fourth taxed *Frederick* the first for reqniring homage and fealty of Bishops, *Et manus eorum sacratas manibus tuis innectis*, and that *he held their consecrated hands in his hands.* The Emperour denyed it not, but justified it, *Ab his qui regalia nostra tenent, cur homagium & regalia Sacramenta non exigamus? why may we not require homage and Oathes of Allegiance from them who hold their Lands of our Imperial Crown?* The Ecclesiastical Lords in their Letter to *Innocent* the third do acknowledg, that *the fees which they held from the Empire, they had received at the hands of* Otho *the fourth, and had done him homage and sworn fealty to him.* And this before his Imperial Coronation at Rome.

Gold part. 1 pag 58. Emperours injoyed investitures

Idem pag 72.

Henry the fifth goes yet further, and accuseth Pope *Paschal*, that without any hearing he sought to take away from the Empire the investitures of Bishops which *the Emperours his predessours had injoyed from the time of* Charlemain *by the space of* 400. *years and upwards*: A fair prescription. But this is not all; The Emperours did long injoy the patronage of the papacy it self, and the disposition of the Roman Bishoprick. *Adrian* the first with the whole Clergy and people of Rome quitted all their claim, right and interest to *Charles* the Great, as well in the

Id p 53.

Id. p. 1.

elections of the Popes, as inveſtitures of
p. 34. Biſhops. And *Leo* the eighth did the like to *Otho* the firſt, which is a truth in hiſtory ſo apparent, that no man can deny it with his credit, nor queſtion it with reaſon.

Fourthly, the Kings of *England* ſuffered no appeals to *Rome* out of their Kingdoms, nor *Roman* Legates to enter into their Dominions, Without their Licenſe. No more did the Emperours, though they acknowledg the Roman Biſhop to be their Patriarch, which we do not. *Hadrian* the fourth complained of *Frederick* the firſt, That *he ſhut both the Churches and the Cities of his Kingdom againſt the Popes Legates a latere.* And more fully in his Letter to the Germain Biſhops, that *he had made an edict*, that *no man out of his Kingdom ſhould have recourſe to the Apoſtolique See.* To the former part of the Charge the Emperour anſwers, Cardinalibus veſtris clauſæ ſunt Eccleſiæ, & non patent civitates, quia non videmus eos prædicatores, ſed prædatores; non pacis corroboratores, ſed pecuniæ raptores; non orbis reparatores, ſed auri inſatiables corrafores: *Our Churches and Cities are ſhut to you Cardinals, becauſe we do not ſee them preachers, but robbers; not confirmers of peace, but extorting catchers of money; not repairers of the world, but inſatiable ſcrapers together of Gold*: Thus much he writ to the Pope himſelf. To the ſecond part of the Charge he anſwers, *That he had not ſhut up the entrance into* Italy, *or the paſſage*

Idp. 58. & 61 Emperours have excluded Legates, &c.

p. 59.

paſſage out of Italy *by edict, nor would ſhut it up to travellers, or ſuch as had neceſſary occaſions, and the teſtimony of their Biſhops for their voyage to the See of* Rome, *but he intended to remedy thoſe abuſes, by which all the Churches of his Kingdom were burthened and impoveriſhed.* That the whole body of the Empire were of the ſame mind, it appears by the Adviſes of *Ments*; And by the hundred grievances of the *German* Nation, which the Princes and Peers of the Empire proteſted that they neither could or would indure any longer. Ch. 13. Ch 5.6.7.8.

Fifthly, the Kings of *England* declared the Popes Bulls to be void: They had good reaſon, for they were not under his Juriſdiction, nor within the ſphere of his activity: The Emperours did not ſo generally, but yet they took upon them to be Judges whether the Popes key did erre or not. *Pius* the ſecond by his bull condemned all appeals from the Pope to a General Councel, *as Erroneus, deteſtable, void and peſtilent*, and ſubjected all thoſe who ſhould uſe them after two moneths to *execration, ipſo facto*, of what condition ſoever they were, Emperours, Kings or Biſhops. Yet long after this *Charles* the fifth appealed from *Clement* the ſeventh to a General Councel; Ad ſacri Generalis Concilii & totius Chriſtianitatis cognitionem & judicium remittenda cenſuimus, Illique nos & omnia quæ cum S. veſtra habere ſolumus, aut

And neglected the Popes Bulls, &c. *An.* 1459. *Anno* 1526. *Reſcript. car. 5 ad criminal. P. Clem.* 7.

aut deinceps habituri ſumus omnino ſubjicimus. Wherein he did but inuſt in the ſteps of his predeceſſours. *Lewis* the fourth did the ſame to *John* the 22th. And in the Dyet of *Frankford* decreed *them all that ſhould aſſent to the Popes Bull to be guilty of treaſon, & to have forfeited all their fees which they held of the Empire; becauſe the ſentence of a Pope contrary to God, or to holy Scripture, or to that due obedience which a Subject owes to his Prince, is of no moment or validity*: And ſuch the Princes and Peers of the Empire did unanimouſly declare the Popes Bull to be, *contra Deum, & juſtitiam, & juris ordinem, contrary to God, contrary to holy Scripture, and contrary to due order of Law.*

Gold. p. 1. pag. 99. et 104.

P. 100.

And ſeized up. on papal pretended rights.

Sixthly, *Henry* the eighth deprived the Pope of his Annates, tenths, and firſt fruits in *England*, of his pall-money, and other extorted revenues. What did the Emperour and the *Germans* leſs then he? In the advices of *Ments* it is concluded, that *the Pope ſhall receive nothing either before or after* for confirmations, elections, admiſſions, collations, proviſions, preſentations, holy orders, palles, benedictions, &c. upon pain that the tranſgreſſour thereof either in exacting, or giving, or promiſſing, *ſhould incurre the puniſhment due to a Simoniacal perſon.* And though theſe were but advices, yet the King of the Romans and Electors did covenant mutually to aſſiſt and defend one another in the maintenance of them

Cap. 10.

In concluſione Seſſ. 21.

them againſt all men; And yet further procured them to be confirmed and inlarged in the Councel of *Baſile*, by the addition of inveſtitures, bulls, annats, firſt fruits, &c. This was too ſweet a morſel for the Pope to loſe willingly, when the Arch-biſhop of *Ments* paid for his pall (worth about ſix pence) thirty thouſand Florens.

By the *Concordates* or accord made between the Emperour and Princes of Germany, and *Nicholas* the fifth, the Annates are in part remitted or taken away. The Eſtates of the Empire aſſembled at *Nurenberge* repreſented to *Adrian* the ſixth, that *Annats were given for maintenance of the war againſt the Turks, and how comely a thing it were that they ſhould be reſtored to the ſame uſe.* The Princes added further, that they were but granted for a certain term, which was effluxed. The hundred *Grievances* reſt not here, but ſay moreover, *that they were but depoſited at Rome, to be preſerved faithfully for that uſe.* And laſtly, *Charles* the fifth in his *Reſcript* tells *the Pope, That other Kings do not ſuffer the ſpoyles of the Churches and Annats to be tranſported out of their Kingdoms to Rome, ſo univerſally, and ſo abundantly.*

Gold. part 2. pag 24. & 32.

Cap 19. Reſc. Num 44.

Seventhly, to draw to a concluſion, *Henry* the eighth impoſed an oath of Fidelity or allegiance upon his Subjects, Eccleſiaſtical as well as temporal. So did *Frederick* the firſt Emperour of that name: *I ſwear that from henceforth I will be faithfull to my Liege Lord,*

And have impoſed Oaths of allegiance

Gold. part 1. pag. 64.

Frederick *the Emperour of the* Romans *againſt all men* (the Pope is included, or rather intended principally) *as by law I am bound, And I will help him to retain his Imperial Crown, and all his honour in Italy, &c.*

The Germans againſt pardons, indulgences, &c

Henry the eighth took away Popiſh pardons, and indulgences, and diſpenſations; The Germain Nation likewiſe groaned under the burthen of them. Among their hundred grievances, that of diſpenſations was the firſt; And that of Papal Indulgences the thrid, either for ſins paſt, or to come, *modo tinneat dextra* (it is their own phraſe. (They call theſe artifices *meer impoſtures, by which the very marrow of Germany was ſucked up, their ancient liberty was enervated, and the merits of Chriſts paſſion became ſleighted.*

Gravam. 1. & 3.

Emperours have depoſed Popes, & appealed from them, &c.

Laſtly, *Henry* the eighth aboliſhed the uſurped juriſdiction of the Biſhop of *Rome*, within his Dominions. The Emperours did not ſo, whether they thought it not fit to leave an old Patriarch; Or becauſe they did not ſufficiently, conſider the right bounds of Imperial power, eſpecially being ſeconded with the authority of an Occidental Councel; or becauſe they did not ſo clearly diſtinguiſh between a beginning of unity and an univerſallity of Juriſdiction; or becauſe they had other remedies wherewith to help themſelves, I cannot determine. But this we have ſeen, That the Emperours have depoſed Popes, and have

appealed

appealed from Popes to General Councels; And have maintained their imperial prerogatives againſt Popes, and made themſelves the laſt Judges of the liberties and neceſſities of the whole body politick.

Frederick the third in the Dyet of *Nurenburg* ſequeſtred all the monies that ſhould be raiſed in three years from indulgences and abſolutions, whether papal or Conciliary, towards the raiſing of twenty thouſand men for defence of the Empire againſt the *Turk*. The reſolution of the Elect Arch-Biſhop of *Trevers* againſt *Gregory* the 7th. was this, *Ne plus per hunc Sancta, quæ modo extremum trahit ſpiritum, periclitetur Eccleſia, ex me dico, quod nullum ei poſthac obedientiam ſervabo*, &c. *Leſt the holy Church which is now brought to the laſt gaſp incurre more danger by his means, I ſpeak of my ſelf, that hereafter I will perform no obedience to him,* (that is, Pope *Hildebrand*). Neither was this his reſolution alone. All the German Biſhops were of the ſame mind: *Becauſe thy entrance into the papacy was begun with ſo great perjuries; And the Church of God is brought into ſuch a grievous ſtorm through the abuſe of thy innovations, & thy life and converſation is ſoiled with ſo manifold infamy: As we promiſed thee no obedience, ſo we let thee know, that for the future we will perform none unto thee.* Et quia nemo noſtrum (ut publice declamas) tibi hactenus fuit Epiſcopus, ita nulli noſtrum à modo eris Apoſtolicus: *And as thou haſt reputed*

Gold. part. 1: pag. 214. Num: 8:

Pag. 47.

Et 48.

reputed none of us for Biſhops hitherto; ſo hereafter none of us will eſteem thee for the Succeſſour of Saint Peter. Which ſentence was confirmed by the Emperour: *Ego* Henricus *Rex cum omnibus Epiſcopis meis tibi dico, Deſcende, deſcende.*

The firſt Councel of *Piſa* did not only ſubſtracted their obedience from *Peter de Luna*, calling himſelf *Benedict* the 13. and *Angelus de Corario* calling himſelf *Gregory* the 12. But they decreed that it was lawfull for all Chriſtians, and accordingly did command them to ſubſtract their obedience from them. Of which Councel the Councel of *Conſtance* was a continuation. The ſecond *Councel* of *Piſa* ſuſpended *Julius* che ſecond from the papacy, and commanded all Chriſtians to withdraw their obedience from him. The former had the conſent of the Emperour: The later his aſſiſtance and protection; as appeareth both by the ſolemn promiſe of the Emperours Ambaſſadours made in Councel, and the acknowledgment of the Councel it ſelf.

Seſſ. 8. & 9. Seſſ. ultima promot. Concil Piſani pag 32. et 172

I will conclude this firſt part of my parallel concerning the Empire with two anſwers of *German* Biſhops. The firſt of the *German* and *French* to *Anaſtaſius* the ſecond wherein they tell him plainly, that *they did not underſtand that new compaſſion wherewith the Italian Phyſitians uſed to cure the infirmities of France.* They taxe them for ſeeking to reſtrain

reſtrain the abſolution of ſouls to *Rome*.

They require that *Italian* Biſhop that is without ſin to caſt the firſt ſtone at them; They adviſe them not to uſe their pretended authority againſt their Biſhops, leſt the blow ſhould recoil upon themſelves, for that theirs had not learned to fear above that which was needfull: they tell them that ſurely they in *Italy*, think that the *Gaules* had loſt all theſe three, *Verbum, ferrum, & ingenium. their tongues, their wits, and their weapons.*

And ſo they conclude, *Etiamſi inclinata eſſet arca teſtamenti noſtri, noſtrorum Epiſcoporum eſſet, & non illiorum, inclinatam relevare. Although the arke of their Covenant was falling, yet it belonged to their own Biſhops and not to them, to lift it up again.* *Ex ſchedis Joannis Aventini apud Goldaſt. in Rationali p. 48.*

The other anſwer was of the Archbiſhops of *Colone* and *Triers*, with the Synod of *Cologne* to *Nicholas* the firſt. Wherein after many bitter expreſſions they have theſe words, *His de cauſis nos cum fratribus noſtris & collegis, neque edictis tuis ſtamus, neque vocem tuam agnoſcimus, neque tuas bullas tonitruaque tua timemus. For theſe reaſons we with our brethren and collegues, do neither give place to thy edicts, nor acknowledge thy voice, nor fear thy thundring bulles.* *Ibid. p. 50.*

I expect that ſome will be ready to object, that theſe ſubſtractions were but perſonal, from the preſent Pope, not from the See of *Rome*, which is true in part. But the ſame equity

equity and rule of juſtice which warrants a ſeparation from the perſon of the Pope, for perſonal faults, doth alſo juſtifie a more durable ſeparation from the See of *Rome*, that is from him and his ſucceſſours, for faulty rules and principles, either in doctrine or diſcipline, untill they be reformed.

The *French* no vaſſals of the *Roman* Court.

From *Germany* our paſs is open into *France*. Where the caſe is as clear as the Sun, how their Kings, (though acknowledged by the Popes themſelves to be moſt Chriſtian, the eldeſt Sons of the Church, and otherwiſe the great Patrons and Protectours of the Roman See,) with their Princes of the blood, their Peers, their Parliaments, their Ambaſſadours, their Schools and Univerſities, have all of them, in all ages, affronted and curbed the *Roman* Court, and reduced them a right temper and conſtitution, as often as they deviated from the Canons of the Fathers, and incroached upon the liberties of the *Gallican* Church. Whereby the Popes juriſdiction in *France* came to be meerly diſcretionary, at the pleaſure of the King.

Hincmare had been condemned by three *French* Synods for a turbulent perſon, and depoſed. Pope *Adrian* the ſecond takes Cogniſance of the cauſe at *Rome*, and requires *Carolus Calvus* the King of *France* to ſend *Hincmare* thither with his accuſers, to receive juſtice. The King apologetick anſwer will ſhew how he reliſhed it. Valde mirati

mirati ſumus ubi hoc dictator Epiſtolæ ſcriptum invenerit, eſſe Apoſtolica authoritate præcipiendum, ut Rex corrector iniquorum & diſtrictor reorum, atque ſecundum leges Eccleſiaſticas atque mundanas ultor criminum, reum legaliter ac regulariter pro exceſſibus ſuis damnatum, ſua fretum potentia Romam dirigat. *We wondred much where he who dictated the Popes Letter hath found it written, as commanded by Apoſtolical authority, that a King who is the corrector of the unjuſt, the puniſher of Guilty perſons, and according to all lawes Eccleſiaſtical and Civil the revenger of crimes, ſhould ſend a guilty perſon, legally and regularly condemned for his exceſſes to* Rome. He tells him, that the Kings of France were reputed *terrarum Domini*, not *Epiſcoporum Vice-Domini*, or *Villici*; *Lords paramount within their Dominions, not Lieutenants or Bayliffs of Biſhops.* Quis igitur hanc inverſam legem infernus evomuit? quis tartarus de ſuis abditis & tenebroſis cuniculis eructavit? *What Hell hath diſgorged this diſorderly law? what bottomleſs depth hath belched it up out of its hidden and obſcure holes?*

Goldaſt. Conſtitut. Imper. p. 1 pag. 24.

The Kings of France have convented the Popes before them; So *Charles* the Great dealt with *Leo* the third, and *Lotharius* with *Leo* the fourth.

The Kings of France have appealed from Popes to Councels: So *Philip* the 4th. with the

the advice of all the orders of *France* and the whole *Gallicane* Church, appealed from *Boniface* the eighth, and commanded his appeal to be publiſhed in the great Church at *Paris*. So *Henry* the great appealed from *Gregory* the 14th. and cauſed his appeal to be affixed to the Gates of Saint *Peters* Church in *Rome*. So the School of *Sorbone* appealed from *Boniface* the eighth, *Benedict* the eleventh, *Pius* the ſecond, and *Leo* the tenth.

The Kings of *France* have proteſted againſt the Popes decrees and ſleighted them, yea, in the very face of the Councel of *Trent*. Witneſſe that proteſtation of the Ambaſſadour of *France*, made in the Councel in the name of the King his Maſter. *We refuſe to be Subject to the commands and diſpoſition of* Pius *the fourth, we Reject, Refuſe and Contemn all the Judgements, Cenſures and Decrees of the ſaid* Pius. *And although (moſt Holy Fathers) your Religion, Life and Learning was ever, and ever ſhall be of great Eſteem with us; yet ſeeing indeed you do nothing, but all things are done at* Rome *rather then at* Trent: *And the things that are here publiſhed, are rather the Decrees of* Pius *the Fourth, then of the Councel of* Trent, *We denounce and proteſt here before you all, that whatſoever things are Decreed and publiſhed in this Aſſembly*

Goldaſt tom 3. p 571

Assembly by the will and meer pleasure of Pius, *neither the most Christian King will Ever approve, nor the French Church ever acknowledge to be Decrees of a General Councel. Besides this, the King our Master commandeth all his Arch-bishops and Bishops and Abbats, to leave this Assembly and presently to depart hence, then to return again, when there shall be hope of better and more orderly proceedings.* This was high and smart for the King and the *Gallicane* Church, so publickly to reject, refuse and contemn all papal decrees, and to challenge such an interest in,& power over the *French* Arch bishops, and Bishops, as not only to license them, but to command them to depart and leave the Councel, whether they were summoned by the Pope.

The *French* Kings have made Lawes and constitutions from time to time to represse the insolencies and exorbitances of the Papal Court, so often as they began to prejudice the liberties of the *Gallicane* Church, with the unanimous consent of their Princes, Nobles, Clergy, Lawyers, and Commons. As against their bestowing of Ecclesiasticall dignities and Benefices in *France*, and their grosse Symony and extortions in that way, against the payment of Annats and tenths to *Rome*, and generally for all the liberties of the Church of *France*. Against reservations and Apostolical graces, and *An.* 1267. *An.* 1406.

An 1418 and all other exactions of the court of
An 1438 *Rome.* *Charles* the ſeventh made the pragmatical Sanction, to confirme all the Acts of the Councels of *Conſtance* and *Baſil* againſt the tyranny and uſurpation of the Pope. It is true that *Lewis* the eleventh, by the flattering perſwaſion of *Æneas Silvius*, then *Pius* the ſecond, did revoke this Sanction. But the Kings Proctour, and the Rectour of the Univerſity of *Paris* did oppoſe themſelves formally to the Regiſtring and Authorizing of this revocation. Whereupon the King deſired the advice of his Parliament in writing, which they gave to this effect, That *the revocation of that Sanction tended to the confuſion of the whole Eccleſiaſtical order, the depopulation of* France, *the exhauſting and impoveriſhment of the Kingdom, and the total ruine of the French Church.* Hereupon the King changed his mind, and made
As that of Auguſti 16 an 1478 diverſe declarations and edicts conformable to, and in purſuance of the pragmatical Sanction, After this the three Eſtates
An 1487 aſſembled at *Towers*, made it their firſt and
An 1517 inſtant requeſt to *Charles* the 8th. that he would preſerve inviolable the pragmatical Sanction, which they reputed as the *Palladium* of *France.* And in the National Councel aſſembled by *Lewis* the 12th. in the ſame City it was again confirmed.

But the Pope ſtormed, and thundered, and excommunicated, and interdicted *Lewis* the 12th. *Francis* the firſt, and the whole

whole Realm, and expoſed it as a prey to the firſt that could take it; And gave plenary indulgence to every one that ſhould kill a *Frenchman*. King *Francis* fainted under ſuch fulminations, and came to a compoſition or accommodation with *Leo* the tenth, which was called *conventa*, or the *concordate*: On the one ſide the Popes friends think he wronged himſelf and his title to a ſpiritual Sovereignty very much, by deſcending to ſuch an accomodation, And exclude *France* out of the number of thoſe Countries which they term *pays d' obedience*. As if the French were not loyal obedient Subjects, but rebells to the Court of *Rome*. On the other ſide the prelates, the Univerſities, the Parliaments of *France*, were as ill contented that the King ſhould yeild one inch, and oppoſed the accord: Inſom uch, as the Univerſity of *Paris* appealed from it to a future Councel, and expedited letters patents ſealed with the Univerſitie, Seal, containing at large their grievances, and the reaſons of the appeal, which after were publiſhed to the World in print. *Faſciculi rerum expetend. & fugiend. impreſſus* 1535.

I cannot here omit the free and juſt ſpeech of a French Biſhop; When *Henry* the Fourth had in a manner ended the civill Wars of *France*, by changing from the proteſtant to the Roman Catholick communion: Yet the Pope who favoured the contrary party, upon pretence of his diſſi-

mulation, and great dangers that might enſue thereupon, for a long time deferred his reconciliation, untill the French Prelates by their own authority did firſt admit him into the boſome of the Church. At which time one of them uſed this diſcourſe, *Was* France *all on fire, and had they not Rivers enough at home, but they muſt run as far as* Rome, *to* Tybur, *to fetch water to quench it?*

Since that in Cardinal *Richieu's* dayes it is well known that books were freely printed, and publickly ſold upon *pont neuf*, of the lawfulneſs of erecting a new, or rather reſtoring an old proper Patriarchate in *France*, as one of the liberties of the *Gallicane* Church. It was well for the *Roman* Court that they became more propitious to the French affairs.

Take one inſtance more which happened very lately. The Pope refuſed to admit any new Biſhops in *Portugal*, upon the nomination of the preſent King, becauſe he would not thereby ſeem to acknowledge or approve his title to the Crown, in prejudice of the King of *Spain*, whereby the Epiſcopal order in *Portugal* and the other Dominions belonging to that Crown, was well near extinguiſhed, and ſcarcely ſo many Biſhops were left alive, or could not be drawn together, as to make a Canonical Ordination. The three Orders of *Portugal* did repreſent to the Pope, that in the Kingdomes of *Portugal*

Balatus ovium. p. 2.113.

tugal and the *Algarbians*, wherein ought to have been three *Metropolitans* and ten Suffragans, there was but one left, and he by the Popes diſpenſation non-Reſident. And in all the *Aſiatique* Provinces but one other, and he both ſickly and decrepit. And in all the *African* and *American* Provinces and the Iſlands not one ſurviving. But the Pope continued inexorable; whereupon they preſent their requeſt to their neighbours and friends the *French* Prelates, beſeeching them to mediate for them with his Holineſs. And if he continue ſtill obſtinately deaf to their juſt petition, to ſupply his defect themſelves, and to ordain them Biſhops in caſe of neceſſity. The *French* did the Office of Neighbours and Chriſtians. The Synod of the French Clergy did write to the Pope on their behalf in *April*, 1651. But that way not ſucceeding, they ſent one of their Biſhops, as an expreſſe *Envoie* to his Holineſs, to let him know that if he ſtill refuſed, they cannot nor will be wanting to themſelves, to their neighbours, but would ſupply his defect; what the iſſue of it is ſince, I have not yet heard.

Luſitaniæ gemitus. p. 20.

Epiſt. Cler. Gallicani ad. Innoc. pap. 10.

But to leave matter of fact, and to come to the fundamental Lawes and Cuſtomes of *France*. Every one hath heard of the liberties of the French Church, but every one underſtands not what thoſe liberties are, as being better known by their practice at

Traitds des droits & libertes de l' Egliſe Gallicane.

Pro libertate Eccleſiæ gallic. adverſus Roman. aulam defenſio Pariſienſ. curiæ.

home, then by books abroad. I will only ſelect ſome of them out of their own authentick authorities. And when the Reader hath conſidered well of them, let him judge what authority the Pope hath in *France*, more then diſcretionary at the good pleaſure of the King, or more then he might have had in other places, if he could have contented himſelf with reaſon. proteſtants are not ſo undiſcreet, or uncharitable, as to violate the peace of Chriſtendom, for a primacy or headſhip of order, without ſuperiority of power, or for the name of his Holineſs: Or for a pall, if the price were not too high, Or for a few innocent formalities.

The liberties of the *French* Church

1. The *Pope cannot command or ordain any thing directly or indirectly concerning any temporal affairs, within the dominions of the King of* France.

2. *The ſpiritual authority and power of the Pope is not abſolute in* France, *but limited and reſtrained by the Canons and Rules of the ancient Councels of the Church, received in that Kingdom.* Where obſerve firſt, that the Pope can do nothing in *France* as a Soveraign Spiritual Prince, with his *non obſtantes*, either againſt the Canons or beſides the Canons. Secondly, that the Canons are no Canons in *France*, except they be received. This ſame priviledge was anciently radicated in the fundamental Lawes of *England*. This priviledge the Popes endeavoured to pluck up

up by the roots. And the contentions about this priviledge were one principal occaſion of the ſeparation.

3. *No command whatſoever of the Pope can free the* French *Clergy from their obligation to obey the commands of their Soveraign.*

4. The moſt Chriſtian King hath had power at all times, according to the occurrence and exigence of affairs, *to aſſemble or cauſe to be aſſembled Synods, provincial or National*, and therein to treat not only of ſuch things as concern the conſervation of the Civil Eſtate, *but alſo of ſuch things as concern Eccleſiaſtical order and diſcipline* in his own dominions. And therein to make rules, Chapters, Lawes, Ordinances, and pragmatick ſanctions *in his own name, and by his own authority.* Many of which have been received among the decrees of the Catholick Church, and ſome of them approved by general Councels.

5. *The Pope cannot ſend a Legate à latere into* France, *with power to reform, judge, collate, diſpenſe*, or do ſuch other things accuſtomed to be ſpecified in the authoritative Bull of his Legation, except it be upon the deſire, or with the approbation of the moſt Chriſtian King. Neither can the ſaid Legate execute his charge untill he hath promiſed the King in writing, under his oath upon his holy orders, not to make uſe of his Legeantine power in the Kings Dominions longer then it ſhall pleaſe the King. And

that ſo ſoon as he ſhall be admoniſhed of the Kings pleaſure to forbid it, he will give it over : And that whileſt he doth uſe it, it ſhall be exerciſed conformably to the Kings will, without attempting any thing to the prejudice of the decrees of Generall Councels, or the liberties and priviledges of the *Gallicane* Church, and the Univerſities of *France*.

6. *The Commiſſions and Bulls of the Popes Legates are to be ſeen, examined, and approved by the Court of Parliament.* And to be regiſtred and publiſhed with ſuch Cautions, and modifications as that Court ſhall judge expedient for the good of the Kingdome, and *to be executed according to the ſaid cautions, and not otherwiſe.*

7. The Prelates of the French Church, (*although commanded by the Pope,*) for what cauſe ſoever it be, *may not depart out of the Kingdom,* without the Kings Commandment or Licenſe.

8. The Pope can neither by himſelf nor by his Delegates judge of any thing which concerneth the State, preheminence, or priviledges of the Crown of *France*, nor of any thing pertaining to it; Nor can there be any queſtion or proceſs about the State or pretenſions of the King, but in his own Courts.

9. Papall Bulls, Citations, Sentences, Excommunications, and the like, are not to be executed in *France* without the Kings Command,

mand, or permiſſion: And after permiſſion, only by authority of the King, and not by authority of the Pope, to ſhun confuſion and mixture of Juriſdictions.

10. Neither the King nor his Realm, nor his Officers can be excommunicated or interdicted by the Pope, nor his ſubjects abſolved from their Oath of Allegiance.

11. The Pope cannot impoſe penſions in *France* upon any benefices having cure of ſouls, nor upon any others, but according to the Canons, according to the expreſs condition of the reſignation, or *ad redimendam vexationem.*

12. All Bulls and Miſſives which come from *Rome* to *France* are to be ſeen and viſited, to try if there be nothing in them prejudicial in any manner to the Eſtate and liberties of the Church of *France*, or to the Royal authority.

13. It is lawfull to appeal from the Pope to a future Councel.

14. Eccleſiaſticall perſons may be convented, judged, and ſentenced before a ſecular Judge for the firſt grievous or enormious crime, or for leſſer offences after a relapſe, which renders them incorrigible in the eye of the Law.

15. All the prelates of *France* are obliged to ſwear fealty to the King, and to receive from him their inveſtitures for their fees and manours.

16. The Courts of Parliament in caſe of

appeals as from abuſe have right and power to declare null, void, and to revoke the Popes bulls and excommunications, and to forbid the execution of them, when they are found contrary to ſacred decrees, the liberties of the French Church, or the prerogative Royal.

17. Generall Councels are above the Pope, and may depoſe him, and put another in his place, and take cogniſance of appeals from the Pope.

18. *All Biſhops have their power immediately from Chriſt, not from the Pope, and are equally ſucceſſours of Saint* Peter *and the other Apoſtles, and Vicars of Chriſt.*

19. Proviſions, reſervations, expectative graces, &c. have no place in *France.*

20. The Pope cannot exempt any Church, Monaſtery, or Eccleſiaſtical body from the Juriſdiction of their Ordinary, nor erect Biſhopricks into Archbiſhopricks, nor unite them, nor divide them without the Kings Licence.

21. All thoſe are not hereticks, excommunicated, or damned, who differ in ſome things from the doctrine of the pope, who appeal from his decrees, and hinder the execution of the ordinances of him or his Legates.

Theſe are part of the liberties of the *Gallicane* Church. The ancient Brittiſh Church needed no ſuch particular priviledges, ſince they never knew any forreign Juriſdiction:

The

The *Engliſh* Britiſh Church which ſucceeded them in time, in place, and partly in their members and holy orders, ought to have injoyed the ſame freedom and exemption. But in the daies of the *Saxon*, *Daniſh* and *Norman* Kings, the Popes did by degrees *inſinuate* themſelves into the *meſnagery* of Eccleſiaſtical affairs in *England*. Yet for many ages the *Engliſh* Church injoyed all theſe *Gallicane* priviledges, without any remarkable *interruption* from the *Roman* Court. As in truth they do of right by the Law of Nature belong to all *Soveraign Princes*, in their own *Dominions*. Otherwiſe *Kingdomes* ſhould be deſtitute of *neceſſary* remedies for their own *conſervation*. And in later ages, when the Popes having thruſt in their heads, did ſtrive to draw in their whole bodies after, the whole *Kingdom* oppoſed them, and made lawes againſt their ſeveral groſſe *intruſions*, as we have formerly ſeen in this diſcourſe: And never quitted theſe *Engliſh* (as well as *Gallicane*) liberties, untill the *Reformation*.

The King of *Spain* aſſerts the liberties of his own Churches

But perhaps we may find more loyalty and obedience to the Court of *Rome* in the *Catholick King*. Not at all. Whatſoever power King *Henry* or any of his *Succeſſours* did ever aſſume to themſelves in *England* as the Political heads of the Church, the ſame and much more doth the *Catholick King* not only pretend unto, but exerciſe and put in *practiſe* in his *Kingdome* of *Sicily*, both

both by himself & by his Delegates, whom he substitutes with the same authority, to judge and punish all Ecclesiastical crimes, to excommunicate and absolve all Ecclesiastical persons, Lay-men, Monks, Clerks, Abbats Bishops, Archbishops, yea, and even the Cardinals themselves which inhabit in *Sicily*. He suffers no appeals to Rome, He admits no Nuncio's from Rome, *Atque demum respectu Ecclesiasticæ Jurisdictionis neq; ipsam Apostolicam sedem recognoscere & habere superiorem, nisi in casu prævention is.* And to conclude he acknowledgeth not any superiority of the See of Rome it self, but only in case of prevention.

Edict. Car 5. Decemb 7. An. 1526.

Baron. to 11. An. 1097. num 29. edit. Mogunt.

What saith *Baronius* to this? He complains bitterly, that *prætensa Apostolica authoritate contra Apostolicam ipsam sedem grande piaculum perpetratur, &c.* Upon pretence of Apostolique authority a grievious offence is committed against the Apostolick See, the power whereof is weakened in the Kingdome of Sicily, the authority thereof abrogated, the Jurisdiction wronged, the Ecclesiastical Lawes violated, and the rights of the Church dissipated. And a little after he declaims yet higher, *Quid tu ad ista dixeris lector? What wilt thou say to this reader? But that under the name of Monarchy besides that one Monarch which all the faithfull have ever acknowledged as the only visible Head in the Church, Another head is risen up and brought into the Kingdom of* Sicily, *for a monster and a prodigy, &c.* But for this liberty which he took, the King of *Spain* fairly and quietly without taking any notice

Ibid. num. 28.

Ibid. num. 29.

notice of his Cardinalitian dignity, cauſed his books to be burned bublickly.

It will be objected, That the King of *Spain* challengeth this power in *Sicily*, not by his regal authority as a ſoveraign Prince, but by the Bull of *Urbanus* the ſecond, who conſtituted *Reger* Earl of *Sicily* and his heirs his Legates *a latere* in that Kingdom, whereby all ſucceeding Princes do challenge to be *Legati nati*, with power to ſubſtitute others, and qualifie them with the ſame authority.

But firſt, if the Papacy be by divine right, what power hath any particular Pope to transfer ſo great a part of his office and authority from his Succeſſours for ever, unto a Lay-man and his heirs, by way of inheritance? If every Pope ſhould do as much for another Kingdom, as *Urbanus* did for *Sicily*, the Court of Rome would quickly want imployment.

Secondly, if the Bull of *Urbanus* the ſecond was ſo invaliable to the ſucceeding Kings of *Sicily*, which yet is diſputed whether it be authentick or not, whether it be full, or defective, and mutilated, why ſhould not the Bull of *Nicholas* the ſecond his predeceſſour, granted to our *Edward* the Confeſſour and his ſucceſſours, be as advantagious to the ſucceeding Kings of *England*? why not much rather? ſeeing that they are thereby conſtituted or declared, not Legates, but Governours of the Engliſh Church,

Church, in the Popes place, or rather in Chriſts-place, ſeeing that without all doubt *Sicily* was a part of the Popes ancient Patriarchate, but *Britagne* was not; And laſtly, ſeeing the ſituation of *Sicily* ſo much nearer to *Rome*, renders the *Sicilians* more capable of receiving juſtice from thence, then the Engliſh.

Thirdly, the King of *Spain* when he pleaſeth, and when he ſees his own time, doth not only pretend unto, but aſſume in his other Dominions that ſelf-ſame power or *eſſential* right of *Soveraignty*, which I plead for in this *treatiſe*. It is not unknown to the World how *indulgent* a Father *Urban* the eighth was ſometimes to the King and Kingdom of *France*, and how *paſſionately* he affected the *intereſt* of that Crown. And by *conſequence* that his Ears were deaf to the *requeſts* and *remonſtrances* of the King of *Spain*. The *Catholique King* reſents this partiality very highly, and threatens the Pope if he *perſiſt*, to provide a remedy for the *grievances* of his Subjects, by his own power. Accordingly to make good his word, he called a General Aſſembly of all the Eſtates of the Kingdom of *Caſtile*, to conſider of the *exorbitances* of the Court of *Rome*, in relation to his Majeſties Subjects, and to conſult of the proper remedies thereof. They did meet and draw up a memorial conſiſting of ten *Articles*, containing the chiefeſt *abuſes* and *innovations*, and

and extortions of the Court of *Rome* in the Kingdome of *Caſtile*. His Majeſtie ſends it to the Pope by Fryar *Domingo Pimentel* as his Ambaſſadour; The Pope returned a ſmart anſwer by *Senior Maraldo* his Secretary. The King replied as ſharply. All which was afterwards printed by the ſpeciall command of his *Catholick Majeſty*.

The ſumme of their *complaint* was firſt concerning the Popes *impoſing* of *penſions* upon *dignities* and other *benefices* Eccleſiaſtical, even thoſe which had cure of ſoules, in favour of *ſtrangers*, in an exceſſive proportion, to the third part of the full value. That allthough benefices were decayed in many places of Spain, two third parts of the true value; yet the Court of Rome kept up the Penſions at the full height: that it was contrived ſo, that the Penſions did begin long before the beneficiaries entred upon their poofits, inſomuch as they were indebted ſometimes two years penſions, before they themſelves could taſt of the fruits of their benefices; And then the charge of cenſures and other proceedings in the Court of Rome fell ſo heavy upon them, that they could never recover themſelves. And further, that whereas all trade is driven in current ſilver, only the Court of Rome which neither toiles nor ſweats, nor hazards any thing, will be paid only in Duckats of Gold, not after the current rates, but according to the old value.

Memorial de ſa mageſtad Catolica. Chap. 1. 2. 3.

value. That to ſeek for a remedy of theſe abuſes at *Rome*, was ſuch an inſupportable charge, by reaſon of three inſtances and three ſentences neceſſary to be obtained, that it was in vain to attempt any ſuch thing. This they cryed out upon as a moſt grievous yoak.

They complained likewiſe of the Popes granting of Coadjutorſhips with future ſucChap. 4. ceſſion, whereby Eccleſiaſtical preferments were made hereditary, perſons of parts and worth were excluded from all hopes, and a large gap was opened no moſt groſſe Simony.

Chap. 5. They complained of the Popes admitting of reſignations with reſervation of the greateſt part of the profits of the benefice; inſomuch, that he left not above an hundred duckats yearly to the incumbent out of a great benefice.

Chap. 6. They complained moſt bitterly of the extortions of the Roman Court, in the caſe of diſpenſations. That whereas no diſpenſation ought to be granted without juſt cauſe; now there was no cauſe at all inquired after in the Court of *Rome*, but only the price. That a great price ſupplied the want of a good cauſe. That the gate was ſhut to no man that brought money. That their diſpenſations had no limits but the Popes will. That for a matrimonial diſpenſation under the ſecond degree, they took of great perſons 8000. or 12000.

12000. or 14000. Duckats.

They complained that the Pope being but the Churches ſteward and diſpenſer, did take upon him as Lord and maſter, to diſpoſe of all the rights of all Eccleſiaſticall perſons. That he withheld from *Biſhops* being the true owners, the ſole diſpoſing of all Eccleſiaſtical preferments, for eight moneths in the year. That he ought not to provide for his own profits and the neceſſities of his Court, with ſo great prejudice to the right of Ordinaries, and Confuſion of the Eccleſiaſtical order, whileſt he ſuffers not *Biſhops* to injoy their own Patronages and Juriſdictions. They cite St. *Bernard*, where he tells Pope *Eugenius*, that *the Roman Church (whereof he was made Governour by God) was the Mother of the other Churches, but not the Lady or miſtreſs. And that he himſelf was not the Lord or Maſter of other Biſhops, but one of them.* Chap. 7. *Lib. 4. de Conſid. cap. 7.*

They complained that the Pope did challenge and uſurpe to himſelf as his own, at their deaths, all Clergymens eſtates, that were gained or raiſed out of the revenue of the Church. That a rich Clergyman could no ſooner fall ſick, but the Popes Collectors were gaping about him for his goods, And guards ſet preſently about his houſe. That by this means *Biſhops* have been deſerted upon their death beds, And famiſhed for want of meat to eat. That they have not had before they were dead a Cup left to drink Chap. 8.

drink in, nor ſo much as a candleſtick of all their goods. It is their own *expreſſion.* That by this *means Creditors* were defrauded, proceſſes in law were multiplyed, and great *eſtates* waſted to nothing.

Chap. 9. They *complained* that the Popes did uſurp as their own all the *revenues* of *Biſhopricks* during their *vacancies*, ſometimes for divers years together, all which time the Churches were *unrepaired*, the poor *unrelieved*, not ſo much as one almes given; And the *wealth* of *Spain* exported into a Forreign Land, which was *richer* then it ſelf. They wiſh the Pope *to take it as an argument of their reſpect to the See of Rome, that they do not go about forthwith theſe abuſes by their own authority, in imitation of other Provinces.* So it was not the *unwarrantableneſſe* of the act in it ſelf, but *meerly* their reſpect that did withhold them.

They *complained* of the great inconveniences and abuſes in the *exerciſe* of the *Nuncio*'s office. That it is reckoned as a curſe in *holy Scripture* to be *Governed* by

Chap. 10. perſons of a different language. That for ten Crowns a man might purchaſe any thing of them: That the fees of their office were ſo great, that they alone were a ſufficient puniſhment for a grievous crime: They added, that ſelf-intereſt was the root of all theſe evills. That *ſuch abuſes as theſe gave occaſion to all the Reformations and Schiſmes of the Church.* They added, That theſe things did

did much trouble the mind of his Catholique Majeſtiy; And ought to be ſeriouſly pondered by all Sovereign Princes, *qui intra Eccleſiam poteſtatis adeptæ Culmina tenent; ut per eandem poteſtatem diſciplinam Eccleſiaſticam muniant.* Behold our Political Supremacy. They proceeded, that *often the heavenly Kingdom is advantaged by the earthly. That Church-men acting againſt faith and right diſcipline, may be reformed by the rigour of Princes. Let the Princes of this world know* (ſay they) *that they owe an account to God of the Church, which they have received from him into their protection. For whether peace and right Eccleſiaſtical diſcipline be increaſed or decayed by chriſtian Princes, God will require an account from them, who hath truſted his Church unto their power.* They tell his holineſſe it was a work worthy of him to turn all ſuch Courtiers out of his Court, who did much hurt by their perſons, and no good by their examples Adding this diſtich;

Vivere qui ſvncte cupitis diſcedite Roma,
Omnia cum liceant, non licet ſſ bonum.

And for remedy of theſe abuſes, they propoſed, that the Popes Nuncio's ſhould not meddle with the exerciſe of Eccleſiaſticall Juriſdiction, but be meerly in the nature of Ambaſſadours; That all Eccleſiaſtical cauſes ſhould be determined at home, according to the Canons: That the Popes ſhould de-

Ibidem Cap. 10.

Legate the diſpenſation of matters of grace to ſome fit Commiſſioners within the Kingdom. That Eccleſiaſtical Courts or *Rota's* ſhould be erected within the Realm, wherein all cauſes ſhould be finally determined without recourſe to Rome, except in ſuch caſes as are allowed by the ancient Canons of the Church.

Laſtly, they repreſented that his Ma-
Ibidem. jeſty was juſtly preſſed by the continual clamours, and reiterated inſtances of his Subjects, to whoſe aſſiſtence and protection he was obliged to contribute whatſoever he was able, as their Natural Lord and King, to procure their weal with all his might, by all juſt means, according to the dictates of natural reaſon. And to remedy the grievances which they ſuffered in their perſons and in their goods, by occaſion of ſuch like abuſes, not practiſed in other Kingdoms. Eſpecially this propoſition being ſo conformable to the Apoſtolical precepts, and to the ſacred Canons of Councels.

They tell the Pope, that their firſt addreſſe is to him, to whom as univerſal paſtour the Reformation thereof doth moſt properly belong, *that there might be no need to proceed to other remedies preſcribed by the Doctours of the Church.* And in the Margent they cite more then twenty ſeveral Authours, to ſhew what the Magiſtrate might do, in caſe the Pope ſhould refuſe or neglect to reform theſe abuſes. So you ſee they confeſſed plainly

plainly, that there were other lawful remedies. And intimated ſufficiently that they muſt proceed to the uſe of them, in caſe the Pope refuſed or neglected to do his duty. That was for the Soveraign Prince with his Biſhops and Eſtates to eaſe his Subjects, and reform the abuſes of the Roman Court within his own Dominions. And this by direction of the law of nature. Upon our former ground, that no Kingdom is deſtitute of neceſſary remedies for its own preſervation. But they chooſe rather to tell the Pope this unwelcome meſſage in the names and words of a whole cloud of Roman Catholick Doctors, then in their own.

In fine, the Pope continued obſtinate: And the King proceeded from words to deeds; And by his Soveraign power ſtopped all proceedings in the Nuncio's Court. And for the ſpace of eight weeks did take away all intercourſe and correſpondence with Rome, (This was the firſt act of *Henry* the eighth, which *Sanders* calls the beginning of the Schiſme,) untill the Pope being taught by the coſtly experience of his predeceſſours, fearing juſtly what the conſequents of theſe things might be in a little time, was contented to bow, and condeſcended to the Kings deſires.

To ſhew yet further, that the Kings of *Spain* when they judge it expedient, do make themſelves no ſtrangers to Eccleſiaſticall

affairs, we read that *Charles* the fifth renewed an edict of his predeceſſours at *Madril*, That *Bulls and Miſſives ſent from Rome ſhould be viſited, to ſee that they contained nothing in them prejudicial to the Crown or Church of Spain*; which was ſtrictly obſerved within the Spaniſh dominions.

An. 1543. *Pad. paolo Apolog: pag* 405.

I might add upon the credit of the *Portugueſes*, how *Alexander Caſtracan* was diſgraced and expelled out of Spain, for publiſhing the Popes Bulls, and that the papal cenſures were declared void. And how the Popes Delegates or Apoſtolical Judges have been baniſhed out of that Kingdom, for maintaining the priviledges of the Roman Court.

Luſitaniæ genius pag 39. *pag* 41.

And when the King of Spain objected to the Pope the penſions which he and his Court received yearly out of Spain, from Eccleſiaſtical benefices and dignities; The Popes Secretary replyed, that all the papal penſions put together, did ſcarcely amount to ſo much as one only penſion impoſed by the King upon the Arch-biſhoprick of *Sivile*. Neither did the King deny the thing, but juſtifie it, as done in favour of an Infante of *Caſtile*: and did further acknowledge that it was not unuſual for the Kings of *Spain* to impoſe penſions upon Eccleſiaſtical preferments, to the fourth part of the value, except in the Kingdom of *Galicia*: This was more then ever any King of *England*

Memorial de ſa mageſtad Catolica.

England attempted, either before or after the reformation.

Before we leave the Dominions of this great Prince, let us caſt our eyes a little upon *Brabant* and *Flanders*; who hath not heard of a book compoſed by *Janſenius* Biſhop *Ypres*, called *Auguſtinus*; And of thoſe great animoſities and contentions that have riſen about it in moſt Roman Catholick Countreys? I meddle not with the merit of the cauſe, whether *Janſenius* followed Saint *Auſtine*, or Saint *Auſtine* his Ancients, or whether he be reconciliable to himſelf in this queſtion. I do willingly omit all circumſtances, but only thoſe which conduce to my preſent purpoſe. So it was that *Urbane* the eighth by his bull cenſured the ſaid book, as maintaining divers temerarious and dangerous poſitions, under the name of St. *Auſtine*, for bidding all Catholicks to print it, ſell it, or keep it for the future. This bull was ſent to the Archbiſhop of *Mechline*, and the Biſhop of *Gant* to ſee it publiſhed and obeyed in their provinces. But they both refuſed; And for refuſing were cited to appear at Rome: And not appearing by themſelves or their proctours, were ſuſpended and interdicted by the Pope, and the copy of the ſentence affixed to the door of the great Church in *Bruſſels*. Although in truth they durſt not publiſh the ſentence of condemnation without the Kings Licenſe;

And were expreſly forbidden by the Councel of *Brabant* to appear at Rome under great penalties, as appeareth manifeſtly by the Proclamation or *Placaert* of the Councel themſelves dated at *Bruſſels*, *May* 12. 1653.

Impreſſ. Bruxellis per Anth. Velpium typograph. Regium 1653.

Wherein they do further declare, that it was Kennelick ende notoix, &c. *well known and notoriouſly true that the ſubjects of thoſe provinces, of what ſtate or condition ſoever, could not be cited nor convented out of the land, niether in perſon nor by their p ocfour,* [ſelver oock niet voor het hoff van Roomen] *no not by the court of Rome it ſelf.* And further that *the proviſions, ſpiritual cenſures, excommunications, ſuſpenſions, and interdictions of that court, might not be publiſhed or put in execution without the Kings approbations, after the Councel deliberation.* And yet further, they do ordain that *the ſaid defamatory writing* (So they call the Copy of the Popes ſentence) *ſhould be torn in pieces in the great Hall of the court at* Bruſſels *by the door-keeper, condemning and aboliſhing the memory thereof for ever.* Thus all Chriſtendom do joyn unanimouſly in this truth, that not the Court of Rome, but their own Soveraigns in their Councels are the laſt Judges of their National Liberties and priviledges.

The King of *Portugal* doth the ſame.

I paſſe from *Spain* to *Portugal*, where the King and Kingdom either are at this preſent time, or very lately, were very much unſatisfied with the Pope: And all about

about their ancient cuſtomes and eſſentiall rights of the Crown. As the Nomination of their own Biſhops, without which condition they tell the Pope plainly, that *they neither can nor ought to receive them.* That if others then the Soveraign Prince have the naming of them, then *ſuſpected perſons may be intruded*, and the Realm can have no ſecurity. That is the opinion of all good men, and the judgment of the moſt learned men, that herein *the Pope doth moſt grievouſly derogate from the right of the Crown.* That it is done in favour of the King of *Caſtile*, leſt he ſhould either revolt from his obedience to the Pope, or make war againſt him. And that if proviſion be made contrary to juſtice, *for the private intereſts of the Roman Court, Chriſts right is betrayed.* They adviſe the Pope to let the world know that *he hath care of ſouls, and leaves temporal things to Princes.* That if he perſiſt to change the cuſtom of the Church to the prejudice of *Portugal*, *Portugal* may and ought to preſerve its right; And that *if he love Caſtile more then Portugal, Portugal is not obliged to obey him more then Caſtile.* *Luſitaniæ Gemitus*, pag 30. pag 31. pag 32. pag 34. pag 37. pag 38.

There are other differences likewiſe as namely about the impriſoning of ſome Prelates for Treaſon, to which they make 'this plea, that the law doth warrant it. That 'Eccleſiaſtical immunites are not oppoſite to 'natural defence. That it is he that hurts his 'Country, who hurts his own immunity. *Ib.* 40.

A third difference was about the Kings intermedling in the controverſies of Religious perſons. To which they anſwer, that *the protection of the Prince is not a violation, but a defence of the rights of the Church.* That
p. 42. *it is the duty of Catholick Princes to ſee regular diſcipline be obſerved.* The fourth difference is about taxes impoſed upon Eccleſiaſtical perſons, and the taking up the revenues of Biſhopricks in the vacancy, to which they give this ſatisfaction that *all orders of men are obliged in juſtice to contribute to the common defence of the Kingdom and their own neceſſary protection*; And that the Revenues of the vacant Biſhopricks could not be *better depoſited and conſerved, then when they are imployed by the* Prince *for the publick benefit*, cum onere reſtituendi.

In ſumme they wiſh the Pope over and over again to conſider ſeriouſly the danger
p. 23. of theſe courſes, now when Hereſie ſhews it ſelf with ſuch confidence throughout *Europe.* That the minds of men are enclined to
p. 27. ſuſpected opinions. That St. *Peters ſhip which hath often been in danger in a calme Sea, ought not to be oppoſed to the violent courſe of juſt complainers*, who think themſelves forſaken. That *the Church of Rome hath loſt*
p. 43. *many Kingdoms, which have withdrawn their obedience and reverential reſpect from it, for much leſſer reaſons.* That they had learned with grief by their laſt repulſe, that their ſubmiſſions and iterated ſupplications had pre-

Prejudiced their right. That *the Kings Ambaſſadour, the Clergies meſſenger, the Agent from the three orders of the Kingdom had found nothing at Rome from two Popes but neglects, affronts and Repulſes.* And laſtly, for a farewell, that *Portugal* and all the Provinces that belong unto it in *Europe, Aſia, Africa* and *America, is more then one ſingle ſheep.* Which is as much as if they ſhould tell him in plain down right terms, that if he loſe it by his own fault, he loſeth one of the faireſt flowers in his Garden. What the iſſue of this will be, God only knowes, and time muſt diſcover. p. 44. p. 45.

I will conclude this point with the anſwer of the Univerſity of *Lisbone* to certain queſtions or demands, moved unto them by the States or Orders of *Portugal*. The firſt queſtion was, whether in caſe there were no recourſe to the Pope, the King of *Portugal* might permit the conſecration of Biſhops without the Pope in his Kingdom? To which their anſwer was affirmitive, that he might do it, becauſe *Epiſcopacy was of divine Right, but the reſervation of the Popes approbation was of humane right, which doth not bind in extreme nor in very great neceſſity.* *Impreſſ. Oliſſiponæ an.* 1649.

The ſecond queſtion, whether there was extreme neceſſity of conſecrating new Biſhops in *Portugal*? Their anſwer was affirmative, that there was, becauſe there was but one Biſhop left in *Portugal*, and ſix and twenty

twenty wanting in the reſt of the Kings dominions.

The third queſtion was whether *Portugal* had then recourſe to the Pope for his approbation? The anſwer was Negative, that they had not; firſt, becauſe the *Caſtilians* had attempted to ſlay their Ambaſſadours before the eyes of *Urban* the 8th. and *Innocent* the 10th. So there was no ſafe recourſe. And ſecondly, becauſe their Ambaſſadour could not prevail with the Pope in nine years, by all their ſolcitations: So there was no hope to obtain.

The fourth queſtion was, whether the permiſſion of this were ſcandalous? The anſwer was Negative, that it was not; firſt, becauſe it was a greater ſcandal to want Biſhops. Secondly, becauſe the King had uſed all due means to obtain the Popes approbation. Thirdly becauſe it was done out of extreme neceſſity.

The fifth and laſt queſtion was, how Biſhops were to be provided? They anſwered, that it was to be done according to law, by the election of the reſpective Chapters, and by the preſentation of the King, as it was of old in *Spain* and *Portugal*, and was ſtill obſerved in *Germany* and elſewhere.

From *Spain* and *Portugal*, it is now high time to paſſe over into *Italy*: where we meet with the Rebublick of *Venice*, obliged in ſome ſort to the papacy for that honour, and grandeur, and profit, and advantage which

which the Italian Nation doth reap from it. Yet have they not wanted their diſcontents, and differences, and diſputes with the Court of Rome.

The Republick of *Venice* had made ſeveral Lawes; As firſt, that no Eccleſiaſtical perſon ſhould make any claime or pretence to any *bona Emphyteutica*, (as the Lawyers call them) that is, waſt lands that had been planted and improved by the great Charge and induſtry and good culture of the Free farmers, which were poſſeſſed by the Laity. Secondly, that no perſon whatſoever within their dominions ſhould found any Church, Monaſtery, Hoſpital, or other religious houſe, without the ſpecial licence of the State, upon pain of impriſonment, and baniſhment, and confiſcation of the ſoile and buildings. Thirdly, that none of their Subjects ſhould alienate any Lands to the Church, or in favour of any Eccleſiaſtical perſons ſecular or regular, without the ſpecial Licenſe of the Senate: Upon pain that the Lands ſo alienated ſhould be ſold, and the money divided between the Common-Wealth, the Magiſtrate executing the Law, and the party proſecuting the proceſſe. Fourthly, the Duke and the Senate had impriſoned an Abbat, and a Canon, for certain crimes whereof they ſtood convicted.

Maii 23. *An.* 1603. *Jan.* 10. *An.* 1603. *Martii* 26 *An.* 1605. *Bulla Pauli quinti. dat Rom. Ap.* 17. 1606. *Venetian* Lawes.

Paul the fifth reſented theſe things very highly, and commanded the Duke and Senate

Bulla eadem. The popes Bull

Senate of *Venice* to abrogate these Lawes so prejudicial to the authority of the Pope, to the rights of holy Church, and to the priviledges of Ecclesiastical persons: And to set their prisoners forthwith at liberty: Or otherwise in case of disobedience, he excommunicated the Duke and Senate, and all their partakers; And subjected the City of *Venice* and all the Dominions thereunto belonging to an interdict. And moreover, declared all the lands and goods which either the City of *Venice*, or any of the persons excommunicated did hold of the Church, to be forfeited, And lastly, commanded all Ecclesiastical persons high and low, upon their obedience, to publish that Bull, and to forbear to celebrate all divine offices according to the Interdict, upon pains contained therein, as also of suspension, sequestration, deprivation, and incapacity to hold any Ecclesiastical preferments for the future.

Sleighted by the *Venetians*

But what did the *Venetians* whilst *Paul* the fifth thundered against them in this manner? They maintained their lawes, they detained their prisoners; They protested publickly before God and the World, against the Popes Bull, as unjust and void, made without reason, against the Scriptures, and the Doctrine of the holy fathers, and the Canons of the Church, to the high prejudice of the secular power, with grievous and universal scandal. They commanded all

Liter. Leonardi Don Ducis Venet datæ Maii 6. 1606.

all the Clergy within their Dominions to celebrate divine offices duly, notwithſtanding the Popes interdict. And at the ſame time they publiſhed and licenſed ſundry other writings, tending to the leſſening of the papal greatneſs, and Juriſdiction of the Roman Court. Sundry of which books were condemned by the Inquiſition, as *containing in them many things temerarious, calumnious, ſcandalous, ſeditious, ſchiſmatical, heretical*, and the reading and keeping of them was prohibited under pain of excommunication. *Pad. Pao. lo Hiſtoria part. c. l. 4. p.* 141.

During this conteſtation the Duke of *Venice* died; And the Pope prohibited the *Venetians* to proceed to the election of a new Duke. The Senate, notwithſtanding the Popes injunction or inhibition, proceed to the election; The People are unanimous, and reſolute to defend their juſt liberties. The Clergy celebrate divine Offices duly, notwithſtanding the Popes interdict: Only one order with ſome few others adhered to the Pope, and for their labour were baniſhed out of the *Venetian* City and Territories. The Pope called home his Legate from *Venice*: The *Venetians* revoked their Ambaſſadours ordinary and extraordinary from *Rome*. The Pope incited the King of *Spain* to make war againſt the Republick, to reduce them to the obedience of the Church. And the *Venetians* being aided by their Roman *Idem. l.* 1. *p.* 24.

man Catholick allies, armed themſelves for their own defence.

Venetian doctrines.

It is not unworthy of our obſervation, what was the doctrine of the *Venetian* preachers and writers in thoſe daies, as it is ſummed up by an eye-witneſs, and a great Actour in thoſe affairs; *That God had conſtituted two Governments in the World, the one ſpiritual, the other temporal, either of them Soveraign in their kind, & independent the one upon the other. That the care of the ſpiritual was committed to the Apoſtles and their ſucceſſours.* Not to Saint *Peter* as a ſingle Apoſtle, and his ſucceſſours alone, either at *Antioch*, or at *Rome*, as if all the reſt were but Delegates for term of life, wherein they agreed juſtly with us, that as each particular Biſhop is the reſpective head of his proper Church; So Epiſcopacy, or Saint *Cyprian's unus Epiſcopatus* the conjoynt body of Biſhops is the Eccleſiaſtical head of the militant Church. That *the care of the temporal Government is committed to Soveraign Princes* That *theſe two cannot intrude the one into the office of the other.* That *the Pope hath no power to annul the Lawes of Princes in temporall things, nor to deprive them of their Eſtates, nor to free their Subjects from their allegiance*: That *the attempt to depoſe Kings was but 520 years old, contrary to Scriptures, contrary to the examples of Chriſt and of the Saints*: That *to teach, that in caſe of controverſie between the*

Pad. Paol. Hiſt. part. l. 4. p. 145.

Pope

Pope and a Prince, it is lawful to perſecute him by treachery or force; Or that his rebellious Subjects may purchaſe by it remiſſion of ſins, is a ſeditious and ſacrilegious doctrine. That *the exemption of Eccleſiaſtical perſons and their goods from the ſecular power is not from the law of God, but from the piety of Princes, ſometimes more, ſometimes leſſe, according to the exigence of affairs.* That *Papal exemptions of the Clergy are in ſome places not received at all, in other places but received in part; And that they have no efficacy or validity further then they are received.* That *notwithſtanding any exemption, Soveraigns have power over their perſons and goods, whenſoever the neceſſity of the Commonwealth requires it.* That *if any exemption whatſoever be abuſed to the diſturbance of the publick tranquility, the Prince is obliged to provide remedy for it.* That *the Pope ought not to hold himſelf infallible, nor promiſe himſelf ſuch divine aſſiſtance*: That *the authority to bind and looſe is to be underſtood* clave non errante. That *when the the Pope hath cenſured or excommunicated a Prince, the Doctours may lawfully examine whethrr his key have erred or not*: *And when the* Prince *is certified that the Cenſure againſt him or his ſubjects is invalid, he may and ought for the preſervation of publick peace to hinder the execution thereof, preſerving his Religion and convenient reverence to the Church.* That *the excommunication of a multitude, or a* Prince *that commands much people, is pernicious and ſacrilegious.* That *the*

now

new name of blind obedience lately invented was unknown to the ancient Church, and to all good Theologians, destroyes the essence of virtue which is to work by certain knowledge and election, exposeth to danger of offending God, excuseth not the errours of a spiritual Prince, and was apt to raise sedition, as the experience of the last fourty years had manifested. What conclusion would have followed from these premisses, if they had been thoroughly pursued, it were no difficult matter to determine.

Nicomacophilal. avertiment veri pag. 22.

It may perhaps be objected, That the *Venetian* State had these priviledges granted to them by the Popes, and Court of Rome. And it is thus far true, That they had five Bulls, Two of *Sixtus* the fourth, one of *Innocent* the eighth, one of *Alexander* the sixth, and the last of *Paul* the third. But it is as true, that none of these Buls concerned any of the matters in debate, but only the punishment of delinquent Clergymen. It hath been an old Subtlety of the Popes, that when the Emperours or Councels had granted any Ecclesiastical priviledge or honour to any person or Society, which it was not in their power to crosse; Yet straightway their Bulls did flie abroad, either of concession, or confirmation, or Delegation, to make the world believe that nothing could be done without them.

But how or by what right did the *Venetians* claim these priviledges? By virtue of any

any Papal Bulls? No such thing. But by the Law of Nature as an essential right of Soveraignty, and by a most ancient custom of 1200 years, that is, a thousand years before the first Bull was dated, as appeareth by a letter of the Senate of *Venice* to the *Venetian* Commons their Subjects. Raccolta degli Scritti, &c. pag. 9.

Secondly, it may be urged further, that the *Venetians* did not make a total and perpetual separation from *Rome*. No more did *England*, if by Rome we understand the Church of *Rome*. First not total, but only *in particular points wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches which were their first founders*. Which are the very words of our Canon. Secondly, not perpetual, but only temporary, until their errours be amended, and abuses reformed. Can. 30.

But if by *Rome* be understood the Roman Court, the case of *Venice* and *England* is much different: They acknowledge themselves to be justly subject to the Roman Patriarch; we do altogether deny his jurisdiction over us; The vicinity of *Venice* renders them capable of receiving justice from *Rome*, which the distance of *England* being so far divided by Seas and Mountains doth hinder us of. Their interest invited them to a conjunction with Rome: Ours is against it. But yet they take care for their own security and indempnity, that the Papacy which they submitted unto should

be toothless, not able to bite them or injure them. If that Papacy which they sought to have obtruded upon us had been such an one, in probability they had not so quickly been turned out of doors.

Lastly, it may be objected, that the points in difference between Rome and us be many more then those which were in difference between *Rome* and *Venice*. This indeed is most true; but not much material. More or less do not vary the kind or nature of any thing. Whether their liberties or ours be of greater or lesser extent is impertinent to our question. If *Venice* ought to enjoy their ancient liberties and customs, then so ought *England* also. If the *Venetians* ought to be the last Judges of their own precessions, what their ancient customs and liberties were, then so ought we to be likewise. Not the Pope, and his conclave of Cardinals, which if *Venice* would not endure, we have much less reason to endure it. What Canons have been received with us, and how far, and where our shoe did wring us, none knew so well as our selves.

The chiefest difference between our case and that of *Venice* seems to me to be this. That we were put to an after-game, so were not they. They preserved their rights and privileges then in question intire from the usurpations of the Roman Court; we were necessitated in part to

retrive

setrive and vindicate ours. Theirs was properly a Conservation; Ours a Reformation. They might thank the unanimity of their Subjects, the loyalty of their Clergy, and their nearer acquaintance with Rome for their advantage, we might blame the Barons Wars, and the contentions between the houses of *York* and *Lancaster*, and a kind of superstitious veneration of that See, occasioned by our distance and want of experimental knowledge, for our disadvantage.

The conclusion of the *Venetian* troubles.

But to come to the Catastrophe of this business. Both sides grew weary of the difference. Christian Princes mediated a Peace, especially the most Christian King. The *Venetians* were contended to shake hands and be friends with the Court of Rome; But without any reparation, or submission, or confession, or so much as a request to be made on their parts. They refused to abrogate any one of the Lawes complained of. They refused (though the Pope did presse it most instantly, and the Cardinal *Joieuse* did assure them that it would be more acceptable to his Holinesse then the conquest of a Kingdome,) to readmit the banished persons into their City. They refused to take an absolution from *Rome*; Yea, they were so far from it, that when the Ambassador intreated that the Duke might receive a benediction from him publickly in the Church, both the Duke

and the Senate did reſolutely oppoſe it, becauſe it had ſome appearance of an abſolution.

A man would have thought that this might have ſufficed to have taught the Popes more wit, then to have hazarded their reputation again, ſo near home, where they are ſo well known; But it did not. They adventured after this to make their ſpiritual weapons ſubſervient to their temporal ends, by excommunicating and interdicting the Duke of *Parma* and his ſubjects, with little better ſucceſſe.

I expect that it ſhould be alledged, That all the projects of *France* for a new Patriarchate, and the memorials of *Caſtile*, and the bleatings of *Portugal*, &c. were but perſonated ſhews, to terrifie Popes into their duties; And in part I do believe it to be true. But withal they muſt yeeld thus much unto me, that it is for children to be terrified with grimaces, or painted vizards, which ſignifie nothing. To work upon wiſe men there muſt be probable and juſts grounds, that ſuch things as are pretended may be and will be effected. We have ſaid enough to ſhew that all Chriſtian Nations do challenge this right to themſelves, to be the laſt Judges of their own liberties and priviledges.

CHAP.

CHAP. VIII.

That the Pope and the Court of Rome are moſt guilty of the Schiſme.

I Am come now to my ſixth and laſt propoſition, which brings the *Schiſme* home to their own doors. Wherein I endeavour to demonſtrate that the Church of Rome, or rather the Pope and the Court of Rome are cauſally guilty both of this Schiſme, and almoſt all other Schiſms in the Church. Firſt, by ſeeking to uſurpe an higher place and power in the body Eccleſiaſtical, then of right is due unto them. Secondly, by ſeparating, both by their doctrines and cenſures, three parts of the Chriſtian World from their Communion, and as much as in them lies from the communion of Chriſt. Thirdly by rebelling againſt general Councels. Laſtly, by breaking or taking away all the lines of Apoſtolical Succeſſion except their own.

The Church but principally the Court of *Rome* is 4. waies guilty of Schiſme.

Firſt, they make the Church of Rome to be not onely the ſiſter of all their Patriarchal Churches, and the Mother of many Churches, but to be the Lady and Miſtris of all Churches; To be not onely a prime ſtone in the building, but the very foundation; to be not onely a reſpective foundation, in relation to this or that time and pl c, (as all the Apoſtles and all Apoſtoli-

cal Churches were, and all good Paſtours and all orthodox Churches are,) but to be an abſolute foundation for all perſons, in all places, at all times, which is proper to Chriſt alone: *Other foundation can no man lay then that which is laid, even Jeſus Chriſt.* They hold it not enough for the Roman Church to be a top-branch, unleſſe it may be the root of Chriſtian Religion, or at leaſt of all that Juriſdiction which Chriſt left as a Legacy to his Church. In all which claime by the Church of Rome, they underſtand not the eſſential Church, nor yet the repreſentative Church, a Roman Synod, but the virtual Church which is inveſted with Eccleſiaſtical power, that is, the Pope with his Cardinals and Miniſters. When any member how eminent ſoever ſcorns its proper place in the body, whether Natural, or Political, or Eccleſiaſtical, and ſeekes to uſurpe the Office of the head; it muſt of neceſſity produce a diſorder, and diſturbance, and confuſion, and ſchiſme of the reſpective members. This is one degree of ſchiſmatical pravity,

1 Cor. 3 11.

But in the ſecond place, we preſſe the crime of ſchiſme more home againſt the Court of Rome, then againſt the Church of Rome. It is the Court of Rome which partly by obtruding new Creeds, and new Articles of faith. And eſpecially this doctrine, That it is neceſſary for every Chriſtian under pain of damnation to be ſubject

to

to the Bishop of Rome, as the Vicar of Christ, by divine Ordination upon earth, (that is in effect, to be subject to themselves who are his Councel and officers,) yea, even those who by reason of their remoteness never heard of the name of Rome, without which it will profit them nothing to have holden the Catholick faith intirely. And partly by their tyranical and uncharitable censures have separated all the *Asiatick*, *African*, *Grecian*, *Russian*, and Protestant Churches from their communion, not only negatively in the way of Christian discretion, by withdrawing of themselves for fear of infection; But privatively and authoritarively by way of Jurisdiction, excluding them (so much as in them lyeth) from the Communion of Christ; Though those Churches so chased away by them, contain three times more Christian souls then the Church of Rome it self, with all its dependants & adherents; many of which do suffer more pressures for the testimony of Christ, then the Romanists do gain advantages, and are ready to shed the last drop of their blood for the least known particle of saving truth. Only, because they will not strike topsaile to the Popes crosse-keys, nor buy indulgences and such like trinkets at Rome. It is not passion, but action that makes a Schismatick, to desert the communion of Christians voluntarily, not to be thrust away

from it unwillingly. For divers years in the beginning of Queen *Elizabeths* reign, there was no Recuſant known in England; But even they who were moſt addicted to Roman opinions, yet frequented our Churches and publike aſſemblies, and did joyn with us in the uſe of the ſame prayers and divine offices, without any ſcruple, until they were prohibited by a Papal Bull; meerly for the intereſt of the *Roman Court*. This was the true beginning of the Schiſm between us and them. I never yet heard any of that party charge our Leiturgy with any errour, except of omiſſion, that it wanted ſomthing which they would have inſerted; I wiſh theirs as free from exception, to trie whether we would ſhun their communion in the publick ſervice of God. Charity would rather chuſe to want ſomething that was lawful, then willingly to give occaſion of offence.

But to lay the axe to the root of ſchiſme in the third place; the Papacy it ſelf, (*qua talis*) as it is now maintained by many, with ſuperiority above general Councels, and a Sovereign power paramount to confirme or reject their ſanctions, is the cauſe either procreant, or conſervant, or both; of all or the moſt part of the Schiſms in Chriſtendom. To rebell againſt the Catholick Church and its repreſentative a general Councel, which is the laſt viſible Judg of controverſies, and the ſupream Eccleſiaſtical

astical Court, either is grosse Schisme, or there is no such thing as Schismatical pravity in the world.

I say, the Bishops of *Rome* have exempted themselves and their Court from the Jurisdiction of an Oecumenical Councel, and made themselves Sovereign Monarchs, and universal Bishops, *in totius Ecclesiæ injuriam & discissionem*, to the wrong of the Church, and renting it in pieces, making themselves to be not onely fathers, but *Masters* of all Christians. It is the Popes own expression in his Letter to his Legate. Gregor. Hist. Con. Trid. l. 7. an. 1563.

Contrary to their former professions of obedience to the Ecclesiastical constitutions of Sovereign Princes and Synods, contrary to their own Laws which allow appeals from them so often as they transgress the Canons, and subject them to the judgment of the Church, not only in case of heresie which the most of themselves do acknowledge, and Schisme and Simony, which many of them do not deny; But also of Scandal; contrary to so many appellations from them by Christian Princes, Prelates, and Universities; contrary to the judgment of almost all the *Cisalpine* Prelats, *Spanish*, *French*, *Dutch*, assembled at *Trent*; contrary to the decrees of so many Councels both general and provincial, which have limited their Jurisdiction, set down the true reason of their greatness, rescinded their sentences, forbidden appeals to them, C. de Capitulis dist. 10. C. Novi si incompetenter. 2 Qu. 7. Gloss. c. si Papa. dist. 40. & c. Nemo 9. qu. 3 Hist. Conc. Trid. l. 7. 10.

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condemned their pragmatical intrusion of themselves into the affairs of other Churches, as being contrary to the decrees of the Fathers which have judged them, and condemned them of Heresie, Schisme, Simony, and other misdemeanours, which have deposed them by two or three at a time, whereof one was undoubtedly the true Pope. These things are so obvious in the history of the Church, that it were vanity and lost labour to prove them. But especially contrary to the Councel of *Constance* and *Basil*; which have decreed expressly, that *the Pope is subject to a General Councel, as well in matter of faith, as of manners; So as he may not only be corrected; but if he be incorrigible, be deposed.* This is determined in the Councel of *Constance*, and confirmed in the Councel of *Basil* with this addition, that *whosoever opposeth this truth pertinaciously, is to be reputed an heretick.*

Conc. Const. Sess. 4.

Con. Basil. Sess. 2.

This decree of the Councel wounds deep, because it is so evident and clear in the point, and because the decrees thereof were confirmed by *Martine* the fifth. But the Romanists have found out a salve for it, That Pope *Martin confirmed only those decrees which were conciliarly made*, that is, with the influence and concurrence of the Pope; As the condemnation of *Wickcliff* and *Hus*: But *not those decrees which were not conciliarly made*, that is, which wanted the influence of the Pope; As the decree of the

Supe-

Superiority of the Councel above the Pope. Which ought to be underſtood (ſay they) onely of dubious Popes.

For clearing of which doubt, I propoſe ſeverall conſiderations.

The Popes confirmation of Councels of no value.

First, that is not material whether the decree were confirmed by the Pope or not. There are two ſorts of confirmation, *Approbative*, and *Authoritative*; Approbative confirmation is by way of teſtimony, or ſuffrage, or reception. And ſo an inferiour may confirm the acts of his Superiour. As it is ſaid, that *the Saints ſhall judge the world.* [1. Cor. VI. 2.] that is, by their doctrine, by their example, and by their approbative ſuffrage. *Juſt art thou, O Lord, and rirht are thy judgments.* [Pſ. CXIX. 137. Right art thou, O Lord, and upright are thy judgments.] Authoritative confirmation implies either a ſole Legiſlative power, or at leaſt a negative voice: Whereas it is as clear as the light, that the Popes anciently never had either the one or the other in the Catholick Church. We meet with no confirmations of General Councels of old, but onely by the Emperours, whereby Eccleſiaſtical Sanctions became civil Laws, and obliged all the ſubjects of the Empire under a civil pain. Wherefore it is no matter wether the Pope confirmed the decree or not, whether it was confirmed or unconfirmed; it lets us ſee what was the Catholique tradition, and the ſenſe of the Chriſtian world in thoſe daies; And we abide in it.

Secondly,

The decree of the Counsels superiority above the Pope most conciliarly made.

Secondly, I reply, that this decree was most conciliarly made, and consequently confirmed, made after due examination and discussion, without any under-hand packing or labouring for voices, made in the publick Session, not privately before the Deputies of the Nations. For clearing whereof take this Dilemma. Either this decree and the subsequent Acts done by vertue and in execution thereof, were conciliarly made and confirmed, and consequently valid in the judgment of the Romanists themselves, or unconciliarly made, and consequently according to their rules not confirmed, but invalid. If they grant, that this decree was conciliarly made and confirmed, than they grant the question. If they say it was not conciliarly made nor confirmed, then *Martine* the fifth was no true Pope, but an intruder and an usurper, and consequently his confirmation was of no value; for in pursuance of this very decree, and by virtue of that doctrine therein delivered, the other Popes were deposed, and he was created Pope.

But to clear that passage from all ambiguity. There were in the Council of *Constance* the Deputies of the Nations as a selected Committee to examine matters, & prosecute them, and prepare them for the Council. What was done apart by these Deputies, by this Committee, was not conciliarly done. But what was done in the publick

publick Session of the Council, upon their report, that was conciliarly done. Now so it was, that one *Falkemberch* had published a dangerous and seditious book, which had been complained of to the Deputies of the Nations, and condemned by them: But the conjoynt body of the Council in their publick Session had not condemned it conciliarly. Yet after the Council was ended, and after the Cardinal had given the Fathers their Conge, or leave to depart, and dismissed them with *Domini ite in pace, Fathers depart in peace*; And the Fathers had answered, *Amen*. When there was nothing left to do, but to hear a Sermon and be gone, The Ambassadors of *Polonia* and *Lituania*, very unseasonably pressed the Pope to condemn that book, alledging, that it had been condemned by the Deputies of the Nations. To which the Pope answered, That *he confirmed onely those Acts of the Councel which were conciliarly made*. That is to say, Not the Acts of the Deputies of the Nations apart, but the publick Acts of the whole Session. This is the genuine sense of that passage which bears its own evidence along with it, to every one that doth not wilfully shut his eyes. This was an accidental emergent; after the Synod was ended, and not the solemn purposed confirmation.

And concerning that glosse, that the decree is to be understood onely of dubious

Popes,

Popes, or Popes whose title is litigious? As it contradicts the text it self, which includes all dignitaries whosoever, of whatsoever title peaceable or litigious, Popes or others; So it is sufficiently confuted by the very execution of the decree. An inferiour may declare the lawful right of his Superiour, and where there are divers pretenders, establish the possession in him that hath the best title. But to make right to be no right, to turn all pretenders right or wrong out of possession, onely by the last law of *Salus populi*, &c. *for the tranquillity of the people*, This is a prerogative of Soveraign Princes, and a badge of legislative authority. This was the very case of the Councel of *Constance*; They turned out all pretenders to the Papacy, the right Pope and the Antipopes all together. Some of them indeed by perswasion, but such perswasion as might not be resisted; and one whose title seemed clearest, which rendred their perswasions as unto him ineffectual by plain power. For so the Councel with the consent and concurrence of Christian Princes, did find it expedient for Christendom.

Lastly, though the Popes do not abolish the order of Bishops, or Episcopacy in the abstract, yet they limit the power of Bishops in the concrete at their pleasure, by exemptions & reservations, holding themselvs to be the Bishops of every particular See in the world,

world, during the vacancy of it; And making all Episcopal jurisdiction to flow from them, and to be founded in the Popes Laws; Because it was but delegated to the rest of the Apostles for term of life; But resided solely in S. *Peter* as an Ordinary, to descend from him to his Successors, Bishops of Rome; And to be imparted by them to other Bishops as their Vicars or Coadjutors, assumed by them into some part of their charge. By this account the Pope must be the universal or only Bishop of the world. The keyes must be his gift, not Christs; And all the Apostles except Saint *Peter*, must want their Successors in Episcopal Jurisdiction. What is this but to trample upon Episcopacy, and to make them equivocal Bishops, to dissolve the primitive bonds of brotherly unity, to overthrow the discipline instituted by Christ, and to take away the line of Apostolical Succession?

The name of Oecumenical, or universal Bishop is taken in three senses, one without controversie lawful, one controverted whether lawful or unlawful; And one undoubtedly unlawful and Schismatical. In the first sense an universal Bishop signifies no more then an eminent Bishop of the universal Church, implying an universality of care and vigilance, but not of Jurisdiction. And in this sense all the five Protopatriarchs used more emphatically to be called universal Bishops. Either by reason

of

of their reputation and influence upon the univerſal Church, or their preſidence in general Councels.

In another ſenſe, an univerſal Biſhop ſignifies ſuch a Biſhop, who beſides an univerſal care, doth alſo challenge an univerſal juriſdiction. This was that title which *John* Biſhop of *Conſtantinople* affected, *omnibus præeſſe, nulli ſubeſſe*: And again, *Cuncta Chriſti membra ſibimet ſupponere univerſalitatis appellatione.* This was that title which *Gregory* the Great and his Predeceſſors refuſed, (if they did refuſe any ſuch title.) For it were evident madneſſe to fancy, that ever any General Councel did offer any particular Biſhop the title of the only Biſhop of the world. This title in this ſenſe was that which *Gregory* himſelf did condemn, as a *vain, profane, wicked, blaſphemous, Antichriſtian name.*

Greg. l. 4. ep. 34. & 38.

Laſtly, the name of Univerſal Biſhop may be taken excluſively, for the only Biſhop of the world. Which ſenſe was far enough from the intention either of *Gregory* the Great, or *John* of *Conſtantinople*, who had both of them ſo many true Archbiſhops and Biſhops under them. But this ſenſe agrees well enough with the extravagant ambition of the later Popes, and of the Roman Court, who do appropriate all original Juriſdiction to themſelves. So many waies is the Court of *Rome* guilty of Schiſmatical pravity.

Beſides

Beſides theſe branches of Schiſme, there are yet two other novelties challenged by the Popes, and there paraſitical Courtiers. But neither theſe nor the other yet defined by their Church, both deſtructive to Chriſtian unity, both apt to breed and nouriſh, to procreate and conſerve Schiſme. An infallibility of Judgment, and a temporal power over Princes either directly or indirectly. General and provincial councels are the proper remedies of Schiſm. But this challenge of infallibility diminiſheth their authority, diſcrediteth their definitions, and maketh them to be ſuperfluous things. What needs ſo much expence? ſo many conſultations? ſo much travel of ſo many poor old fallible Biſhops from all the quarters of the World? when there is an infallible Judge at *Rome*, that can determine all queſtions in his own conclave, without danger of errour. Was *Marcellinus* ſuch an infallible Judge when he burned incenſe to Idols? Or *Liberius* when he conſented to the *Arrians*, and gave his ſuffrage to the condemnation of bleſſed *Athanaſius*? Or *Honorius* when he was condemned and accurſed in the ſixth General Councel for a Monothelite? Or *John* the 22th. when he was condemned by the Theologues of *Paris*, before the King, with ſound of Trumpets, for teaching that the ſouls of the juſt ſhall not ſee God untill the general reſurrection? were thoſe ſucceeding Popes,

Conc. Sinueſſ. & Plat. in Marcellino. Athanaſ. in Epiſt. ad ſolit. vitam agentes. Hieron. in Chron. & Catal. Eccleſi. ſcript. Conc. Gen. 6. Act. 13. Gerſon. Sermon on Eaſter-day.

John, and *Martine*, and *Formosus*, and *Stephen*, and *Romanus*, and *Theodorus*, and *John*, and *Benedictus*, and *Sergius*, who clasked one with another, and abrogated the decrees one of another over and over again, such infallible Judges? Neither is it meer matter of fact to decree the Ordinations of a lawful bishop to be void. To omit many others.

Conc. Sinuess. & Rom. But howsoever they tell us, That *the first See cannot be judged.* I will not trouble my self about the credit of the authorities, whether they be true or counterfeit; Nor whether the first See signifie Rome alone, or any other of the five Proto-patriarchates. Thus much is certain, that by judgment of discretion any private man may judge the Pope, and withdraw from him in his errours and resist him if he invade either the bodies or the souls of men, as *Bellarmine* confesseth. That in the Court of Conscience every ordinary pastour may judge him, and bind him, and loose him, as an ordinary man. And by their leaves in the external Court by coercive power if he commit civil crimes, the Emperour; if Ecclesiastical, a Councel, or the Emperour with a Councel may judge him, and in some cases declare him to be fallen from his papal dignity by the sentence of the Law; in other cases if he be incorrigible, depose him by the sentence of the Judge. But there is a great difference between the judgment of Subjects, as those

thoſe Eccleſiaſticks were, and the judgment of a Soveraign Prince; between the judgment of a general Councel, and the judgment of an aſſembly of Suffragans and inferiours. And yet the Roman Clergy are known to have depoſed *Liberius* their own Biſhop, and juſtly. Or otherwiſe *Felix* their Martyr had been a ſchiſmatick.

Their other challenge of temporal power, whether directly or indirectly, and *in ordine ad ſpiritualia*, cannot chuſe but render all Chriſtians, eſpecially Soveraign Princes, jealous and ſuſpitious of their power, and averſe from the communion of thoſe perſons, who maintain ſo dangerous poſitions ſo deſtructive to their propriety. The power of the keyes doth not extend it ſelf to any ſecular rights, neither can Eccleſiaſtical cenſures alter or invalidate the Lawes of God and nature, or the municipal Lawes of a Land. All which do injoyn the obedience of children to their Parents, and of Subjects to their Soveraigns. *Gregory* the ſeventh began this practiſe againſt *Henry* the fourth. But what *Gregory* did bind upon earth, God Almighty did not bind in heaven. His Papal bleſſing turned to a curſe; And inſtead of an Imperial Crown, *Rodolph* found the juſt reward of his treaſon.

The beſt is, that they who give theſe exorbitant priviledgs to Popes, do it with

ſo many cautions and reſervations, that they ſignify nothing, and may be taken away with as much eaſe as they are given.

The Pope (ſay they) is infallible, not in his Chamber, but in his Chair; not in the premiſſes, but in the concluſion; not in concluſions of matter of fact, but in concluſions of matter *of faith*. Not *alwaies* in all *concluſions* of *matter* of faith, but only when he uſeth the right means and due diligence. And who knoweth when he doth that? So every Chriſtian is infallible, if he would and could keep himſelf to the infallible rule which God hath given him. *Take nothing, and hold it faſt.*

So likewiſe for his temporal power over Princes, they ſay the Pope, not as Pope, but as a ſpiritual Prince, hath a certain Kind of power, temporal, but not meerly temporal; not directly, but indirectly, and in order to ſpiritual things. *Quo teneam vultus mutantem* protea *nodo?*

CHAP.

CHAP. IX.

An Answer to the Objections brought by the Romanists, *to prove the* English *Protestants to be Schismaticks.*

BUt it is not enough to charge the Church of *Rome*, unless we can discharge our selves, and acquit our own Church of the guilt of Schisme, which they seek to cast upon us. First, they object, that we have separated our selves Schismatically from the communion of the Catholick Church. God forbid. Then we will acknowledge, without any more to do, that we have separated our selves from Christ, and all his holy Ordinances, and from the benefit of his passion, and all hope of salvation.

We have not separated our selves from the Catholick Church.

But the truth is, we have no otherwise separated our selves from the communion of the Catholick Church, then all the primitive Orthodox Fathers and Doctours and Churches did long before us, that is, in the opinion of the Donatists, as we do now in the opinion of the Romanists; because the Romanists limit the Catholick Church now to *Rome* in *Italy*, and those Churches that are subordinate to it, as the Donatists did then to *Cartenna* in *Africk*, and those Churches that adhered to it. We are so

far from separating our selves from the communion of the Catholick Church, that we make the communion of the Christian Church to be thrice more Catholick, then the Romanists themselves do make it, and maintain communion with thrice so many Christians, as they do. By how much our Church should make it self, as the case stands, more Roman then it is, by so much it should thereby become less Catholick then it is.

I have shewed before out of the Canons and Constitutions of our Church, that we have not separated our selves simply and absolutely from the communion of any particular Church whatsoever, even the Roman it self, so far forth as it is Catholick; but only from their errours wherein they had first separated themselves from their predecessours.

To this I adde, that it was not we, but the Court of *Rome* it self that first separated *England* from the communion of the church of *Rome*, by their unjust censures, excommunications and interdictions, which they thundered out against the Realm, for denying their spiritual Soveraignty by divine right, before the reformation made by protestants.

Bul. Paul. 3. apud. Sand. de Schism l. 1. p. 109.

The Councel of *Trent* not general.

Secondly, we are charged with Schismatical contumacy and disobedience to the decrees and determinations of the General Councel of *Trent*. But we believe that convent-

Convent of *Trent* to have been no General, nor yet patriarchal; no free, no lawfull Councel. How was that General, where there was not any one Bishop out of all the other Patriarchats, or any Proctours or Commissioners from them, either present, or summoned to be present, except peradventure some titular *Europæan* Mock-prelates without cures, Such as *Olaus Magnus* intituled Archbishop of *Upsula*; Or Sir *Robert* the Scottish-man intituled Archbishop of *Armagh*? How was that General, or so much as Patriarchal, where so great a part of the West was absent, wherein there were twice so many *Episcopelles* out of *Italy*, (the Popes professed Vassals, and many of them his hungry parasitical pensioners,) as there were out of all other Christian Kingdomes and Nations put together? How was that general wherein there were not so many Bishops present at the determination of the weightiest controversies, concerning the rule of faith, and the exposition thereof, as the King of *England* could have called together in his own Dominions at any one time upon a Moneths warning? How was that general, which was not generally received by all Churches? even some of the Roman Communion not admitting it.

We have seen heretofore how the *French* Ambassadour in the name of the King and Church of *France* protested against it. And

untill this day though they do not oppoſe it, but acquieſce, to avoid ſuch diſadvantages as muſt iſſue thereupon; yea they did never admit it. Let no man ſay that they rejected the determinations thereof only in point of diſcipline, not of doctrine; for the ſame canonical obedience is equally due to an acknowledged General Councel in point of diſcipline, as in point of Doctrine.

Nor free. And as it was not General, ſo neither was it free nor lawful. Not Free, where the place could afford no ſecurity to the one party, where the accuſer was to be the Judge, where any one that ſpake a free word had his mouth ſtopped, or was turned out of the Councel, where the few Proteſtants that adventured to come thither, were not admitted to diſpute, where the Legates gave auricular Vo e , where the Fathers were noted to be guided by the ſpirit ſent from Rome in a Male, where divers not only new Biſhops, but new Biſhopricks were created, during the ſitting of the Convent, to make the *Papalins* able to over-vote the *Tramontains*.

Sleid. l. 17

Hiſt. Con. Trid.

Nor lawful. Nor yet lawful in regard of the place, which ought to have been in *Germany*. *Actor debet rei forum ſequi.* A guilty perſon is to be judged in his Province. And the cauſe to be pleaded where the crime was committed. And likewiſe in regard of the Judge. In every Judgment their ought to be

be four distinct persons; The accuser, the witnesse, the guilty person, and the Judge. But in the Councel of *Trent* the Pope by himself or his Ministers acted all these parts himself. He was the right guilty person, and yet withall the accuser of the Protestants, the witnesse against them, and their Judge. Lastly, no man can be lawfully condemned before he be heard. But in this Councel the Protestants were not allowed to propose their case, much lesse to defend it by lawful disputation. *Sleid. l.* 23

Thirdly, it is objected, and here they think they have us sure locked up, that we cannot deny but that the Bishop of Rome was our Patriarch, and that we have rebelled against him, and cast off our Canonical obedience in our Reformation. We have not substracted our obedience from our lawful Patriarch

To this supposed killing argument I give three clear solutions.

First, That the *Brittish* Islands neither were, nor ought to be subject to the Jurisdiction of the Roman Patriarch, as hath been sufficiently demonstrated in my third conclusion. For all Patriarchal Jurisdiction being of humane institution, must proceed either from some Canon or Decree of a General Councel, or of such a provincial Councel as had power to oblige the *Brittons* to obedience; or from the grant or concession of some of their soveraign Princes, or from the voluntary submission of a free people; Or lastly, from custome and prescription.

If

If they had any ſuch Canon, or Grant, or ſubmiſſion, they would quickly produce it; but we know they cannot. If they plead cuſtome and preſcription immemorial, the burthen muſt reſt upon them to prove it. But when they have ſearched all the Authours over and over who have written of Britiſh affairs in thoſe daies, and all their Records and Regiſters, they ſhall not be able to find any one act, or ſo much as any one footſtep, or the leaſt ſign of any Roman Patriarchal Juriſdiction in *Britagne*, or over the *Brittains* for the firſt 600 years. And for after ages the Roman Biſhops nether held their old Patriarchate, nor gained any quiet ſettled poſſeſſion of their new Monarchy.

Secondly, I anſwer, That Patriarchal power is not of Divine right, but humane inſtitution. And therefore may either be quitted or forfeited, or transferred. And if ever the Biſhops of Rome had any Patriarchal Juriſdiction in *Brittaigne*, yet they had both quitted it, and forfeited it over and over again, and it was lawfully transferred. To ſeparate from an Eccleſiaſtical authority which is diſclaimed and diſavowed by the pretenders to it, and forfeited by abuſe and rebellion, and lawfully transferred, is no ſchiſme.

The Roman Biſhops quitted their Patriarchate

Firſt, I ſay they quitted their pretended Patriarchal right, when they aſſumed and uſurped to themſelves the name and thing of univerſal

univerſal Biſhops, Spiritual Soveraigns, and ſole Monarchs of the Church, and maſters of all Chriſtians. To be a patriarch and to be an univerſal Biſhop in that ſenſe are inconſiſtent, and imply a contradiction *in adjecto*; The one profeſſeth humane, the other challengeth divine inſtitution. The one hath a limited juriſdiction over a certain province, the other pretendeth to an unlimited Juriſdiction over the whole World. The one is ſubject to the Canons of the Fathers, and a meer executour of them, and can do nothing either againſt them, or beſides them; The other challengeth an abſolute Soveraignty above the Canons, beſides the Canons, againſt the Canons, to make them, to abrogate them, to ſuſpend their influence by a *non-obſtante*, to diſpence with them in ſuch caſes wherein the Canon gives no diſpenſative power, at his own pleaſure, when he will, where he will, to whom he will. Therefore to claim a power paramount and Soveraign Monarchial Royalty over the Church is implicitely and in effect to diſclaim a patriarchal Ariſtocratical dignity.

So, *Non tellus cymbam, tellurem cymba reliquit*: It was not we that deſerted our pretended patriarch, but our pretended patriarch deſerted his patriarchal office. So long as the Popes contented themſelves with patriarchal rights, they ſoared no higher then to be the executours of the Canons.

When

When *Acacius* complained that he was condemned by the ſole authority of the Roman Biſhop, without a Synodal ſentence, *Gelaſius* the Pope then pleaded for himſelf that *Acacius was not the beginner of a new errour, but the follower of an old; And therefore it was not neceſſary that a new Synodal ſentence ſhould be given againſt him, but that the old ſhould be executed. Therefore* (ſaith he) *I have only put an old ſentence in execution, not promulged a new.*

Gel. c. 1: 24. qu. 1.

And forfeited it by rebellion.

And as they had quitted their title, ſo likewiſe they had forfeited it, both by their Rebellion, and by their exorbitant abuſes. Firſt, by their notorious rebellion againſt General councels. The authority of an inferiour ceaſeth when he renounceth his loyalty to his ſuperiour, from whom he derives his power. A general councel is the ſupreme Eccleſiaſtical power, to which patriarchal power was alwayes ſubordinate and ſubject. General councels with the conſent of Soveraign Princes have exempted Cities and provinces from patriarchal juriſdiction, with the conſent of Soveraign Princes they have erected new patriarchates, as at *Hieruſalem* and *Conſtantinople*. And made the patriarch of *Conſtantinople* equal in all priviledges to the patriarch of old *Rome*.

Conc conſtant. c. 39 con. Nicen. c. 7.

Con. chal. c. 25.

Againſt his ſupreme Eccleſiaſtical power the Popes have not only rebelled themſelves, but have compelled all Biſhops under

under their Juriſdiction to take an oath to maintain their *rebellious Uſurpations*. When a preſident of a *Province* ſhall rebell againſt his *Soveraign Prince*, and ſeek to uſurp the whole Empire to himſelf, and impoſe new oathes of *Allegiance* upon his fellow-ſubjects, it is not *Treaſon*, but *Loyalty* in them to thruſt him by the head and ſhoulders out of the gates of their City. When a Steward not impoſed upon the family by the Maſter, but choſen in truſt by his fellow ſervants, during their Maſters abſence, ſhall ſo far violate his truſt, that he will by force make himſelf the Maſter of the family, and uſurp a *Dominion*, not only over his fellowes, but over his [Maſters Wife and Children, and oblige his fellow ſervants to acknowledge an *Independent* Soveraign power in him; it is not want of duty, but fidelity to ſubſtract their *obedience* from him.

This is our caſe with the *Roman Biſhops*. They have ſought to uſurp a *Dominion* over the *Catholick Church*, the Spouſe of Chriſt, and all their fellow-ſervants. Then ought not all good Chriſtians to adhere to the Catholick Church, and deſert a ſchiſmatical Patriarch? They have rebelled againſt the repreſentative Church, a General Councel, ſhould we involve our ſelves in their *Rebellion* and perjury, by *ſwearing* to *maintain* and make good their *Uſurpations*? confeſſe, I inferiours are not competent

Judges

Judges of their Superiours. But in this caſe of a ſubordinate Superiour, and in a matter of Hereſie or Schiſme already defined by the Church, the ſentence of the Judge is not neceſſary, the ſentence of the law, and the notoriety of the fact are ſufficient. It is not we that judge him, but the Councels of *Conſtance* and *Baſile*.

Neither could our Anceſtours hope to have a General Councel ſuddenly, whilſt ſo great a part of Chriſtendom was under the *Turk*; nor a free Occidental Councel, whileſt the uſurper had all Eccleſiaſticall power in his hands. What remained then, but to reform themſelves? according to the ſage advice of *Gerſon*, *I ſee that the Reformation of the Church will never be effected by a Councel, without the preſidence of a well affected, wiſe and conſtant guide. Let the Members thereof provide for themſelves throughout the Kingdomes and Provinces, when they ſhall be able, and know how to compaſſe this work.*

Gerſ. 3. part. Apol de Conc. Conſtan.

Moreover, as they have forfeited their power by their rebellion, ſo they have moſt juſtly alſo by their rapine, extortions, and terrible and exorbitant abuſes, the moſt ſhameful abuſes that ever were committed by perſons truſted. To paſſe by the hundred grievances of *Germany*, the complaints and proteſtations, and pragmatical Sanctions of *France*, the memorials of *Caſtile*, the ſobbes of *Portugal*, and to confine my diſcourſe

And by abuſe.

courſe to the ſufferings of our own Nation, which have been more particularly related already in this Treatiſe, when I ſet down the grounds of our Reformation.

They robbed the King of his inveſtitures of Biſhops, which *Henry* the firſt proteſted to the Pope himſelf by his proctour, that he would not loſe for his Kingdom, and added threatnings to his proteſtations. Yet to gratifie *Anſelme*, who (though otherwiſe moſt deſerving) was the firſt violater of the ancient cuſtomes of our Kingdom in that kind, he waved his right. But ſoon after reſumed it, made *Rodolph* Biſhop of *London* Archbiſhop of *Canterbury*, and inveſted him by a croſier and a ring. The like he did to many others. *Matth. par. an.* 1103. *Idem. an.* 1107. *An.* 1113.

They robbed the King of his patronages, by their collations, and proviſions, and expectative graces. Two or three or ten benefices were not accounted ſufficient for a Roman Courtier in thoſe daies, but an hundred, or two hundred, or more. They robbed him of the laſt appeals of his Subjects, contrary to the ancient lawes of *England*. They fomented the rebellion of his own Subjects at home, ſometimes of his Barons ſometimes of his Biſhops, playing faſt and looſe on both ſides for advantage. They diſ-inherited him of his crown. They gave away his Kingdom for a prey to a forraign prince. They incited ſtrangers to make war againſt him. And they themſelves by meer colluſion *Nich. clem. de corrupto Eccleſiæ ſtatu.* *Math. pariſ. an.* 1164.

colluſion and tricks had well near thruſt him out of his throne.

They robbed the Clergy in a manner of their whole juriſdiction by their exemptions, and reſervations, and viſitations, and ſuſpenſions, and appeals, and Legantine Courts and Nunciatures, thruſting their ſickles into every mans harveſt. They robbed them of their eſtates and livelyhoods, by their proviſions, and penſions, by their coadjutorſhips, and firſt-fruits, and tenths, by the vaſt charge of their inveſtitures, and palles, and I know not how many other ſorts of exactions, and arbitrary impoſitions. The moſt ancient of theſe was the pall, whereof our King *Canutus* complained long ſince at *Rome*, and had remedy promiſed.

Baron. to. 11. An. 1027.

They robbed the Nobility and commonalty many wayes, as hath been formerly related. If all theſe were not a ſufficient cauſe of forfeiture, certainly abuſe did never forfeit office.

Patriarchal power was lawfully transferred.

And though they had ſometimes had a juſt patriarchal power, and had neither forfeited it by rebellion nor abuſe; Yet the King and the whole body of the Kingdome by their Legiſlative power ſubſtracting their obedience from them, and erecting a new patriarchate within their own Dominions, it is a ſufficient warrant for all Engliſh-men, to ſuſpend their obedience to the one, and apply themſelves to the other, for the welfare

fare and tranquility of the whole body politick, as hath before been declared.

Thirdly, I answer, that obedience to a just Patriarch, is of no larger extent then the Canons of the fathers do injoyn it. And since the division of *Brittaigne* from the Empire, no Canons are, or ever were of force with us, further then they were received and by their incorporation became *Britannique* Lawes. Which as they cannot, nor ever could be imposed upon the King and Kingdom by a forreign Patriarch by constraint, so when they are found by experience prejudicial to the publick good, they may as freely by the same King and Kingdom be rejected. The power which we rejected was not patriarchal nor Canonical

But I shall wind up this string a little higher; Suppose that the whole body of the Canon Law were in force in *England*, (which it never was) yet neither the papal power which we have cashiered, nor any part of it was ever given to any Patriarch by the ancient Canons, and by consequence the separation is not schismatical, nor any withdrawing of Canonical obedience. What power a Metropolitan had over the Bishops of his own province by the Canon Law, the same and no other had a Patriarch over the Metropolitans and Bishops of sundry provinces within his own Patriarchate. But a Metropolitan anciently could do nothing out of his own Diocesse, without the concurrence of the Major part of the Bishops

of his Province. Nor the Patriarch in like manner without the advice and consent of his Metropolitans and Bishops.

Wherein then consisted Patriarchal authority? In ordaining their Metropolitans, (for with inferiour Bishops they might not meddle,) or confirming them, or imposing of hands, in giving the pall, in convocating Patriarchal Synods, and presiding in them, in pronouncing sentence according to the plurality of voices. (That was when Metropolitical Synods did not suffice to determine some emergent difficulties or differences.) And lastly, in some few honorary priviledges, as the acclamation of the Bishops to them at the latter end of a General Councel and the like, which signifie not much. In all this there is nothing that we dislike or would seek to have abrogated. Never any Patriarch was guilty of those exactions, extortions, incroachments upon the civil rights of Princes and their Subjects, or upon the Ecclesiastical rights of Bishops, or of those provisions, and pensions, and exemptions, and reservations, and dispensations, and inhibitions, and pardons, and indulgences, and usurped Soveraignty, which our reformers banished out of *England*. And therefore their separation was not any wayes from Patriarchal authority.

I confesse, that by reason of the great difficulty and charge of convocating so many Bishops, and keeping them so long together

ther untill all cauſes were heard and determined; And by reaſon of thoſe inconveniencies which did fall upon their Churches in their abſence, provinciall Councels were firſt reduced from twice to once in the year, and afterwards to once in three years. And in proceſs of time the hearing of appeales and ſuch like cauſes, and the execution of the Canons in that behalf, were referred to Metropolitans, untill the papacy ſwallowed up all the authority of patriarchs, and Metropolitans, and Biſhops. *Serpens ſerpentem niſi ederet, non fieret draco.*

Peradventure it may be urged in the fourth place, That *Gregory* the Great, who by his Miniſters was the firſt converter of the Engliſh Nation, about the ſix hundreth year of our Lord, did thereby acquire to himſelf and his ſucceſſours a patriarchal authority and power over *England* for the future. We do with all due thankfulneſs to God, and honourable reſpect to his memory, acknowledge, that that bleſſed Saint was the chief inſtrument under God, to hold forth the firſt light of ſaving truth to the Engliſh Nation, who did formerly ſit in darkneſs and in the ſhadow of death, whereby he did more truly merit the name of *Great*, then by poſſeſſing the chair of Saint *Peter*. And therefore whileſt the ſometimes flouriſhing, now poor perſecuted Church of *England* ſhall have any being

Semper bonos nomenque ſuum laudeſque manebunt.

Gregory the great acquired no patriarchal right in *England.* by the converſion of it.

But whether this benefit did intitle Saint *Gregory* and his ſucceſſours to the Patriarchate of all or any part of the *Britiſh* Iſlands, deſerves a further conſideration.

Firſt, conſider, that at that time, and untill this day, half of *Britaigne* it ſelf, and two third parts of the *Britannick* Iſlands did remain in the poſſeſſion of the *Britons*, or *Scottiſh* and *Iriſh*, who ſtill continued Chriſtians, and had their Biſhops and Protarchs, or Patriarchs of their own, from whom we do derive in part our Chriſtianity, and holy orders, and priviledges. Without all controverſie the converſion of the Saxons by Saint *Gregory* could not prejudice the juſt liberties of them or their ſucceſſours.

Secondly, conſider, that the half of *Britaigne* which was conquered and poſſeſſed by the *Saxons*, was not ſolely and altogether peopled by *Saxons*. A world of *Britiſh* Chriſtians did remain and inhabit among the Conquerours. For we do not find, either that the Saxons did go about to extirpate the *Britiſh* Nation, or compell them to turn Renegadoes from their religion, or ſo much as demoliſh their Churches. But contented themſelves to chaſe away perſons of eminency, and parts, and power, whom they had reaſon to ſuſpect and fear: And made uſe of vulgar perſons, and ſpirits, for their own advantage. This is certain, that *Britaigne* being an Iſland, whither there is no acceſs by land, all thoſe who were tranſported, or could

could have been tranſported by Sea on ſuch a ſuddain, could not of themſelves alone in probability of reaſon, have planted or peopled the ſixth part of ſo much land as was really poſſeſſed by the *Saxons*.

And therefore we need not wonder if Queen *Bertha* a *Galloiſe* and a Chriſtian, did find a Congregation of Chriſtians at *Canterbury* to joyn with her in her religion, and a Church called Saint *Martins* builded to her hand; And ſtood in need of *Lethargus* a Biſhop to order the affairs of Chriſtian religion, before ever Saint *Auſtine* ſet foot upon *Engliſh* ground. Neither did the *Britiſh* want their Churches in other places alſo, as appears by that commiſſion which the King did give to *Auſtine*, (among other things to repair the Churches that were decayed. Theſe poor ſubdued perſons had as much right to their ancient priviledges, as the reſt of the unconquered *Britons*. *Bed. l.* 1. *c.* 25. *Bed. l.* 1. *c.* 26.

Thirdly, conſider, That all that part of *Britaigne* which was both conquered and inhabited by the *Saxons*, was not one intire Monarchy, but divided into ſeven diſtinct Kingdoms, which were not ſo ſuddenly converted to the Chriſtian faith, all at once, but in long tract of time, long after Saint *Gregory* ſlept with his fathers, upon ſeveral occaſions, by ſeveral perſons. It was *Kent* and ſome few adjacent Counties that was converted by *Auſtine*. It is true, that *Ethelbert* King of *Kent* after his own convertion, did

indeavour to have planted the Christian faith both in the Kingdomes of *Northumberland* and the East Angles, with fair hopes of good success for a season. But alas, it wanted root. Within a short time both Kings and Kingdoms apostated from Christ, and forsook their Religion. The Kingdoms of the *West Saxons* and of the *South Saxons* under *Kingles* their King, who did unite the Heptarchy into a Monarchy, were converted by the preaching of *Berinus* an *Italian*, by the perswasions of *Oswald* King of *Nothumberland*. *Oswald* King of *Nothumberland* was baptised in *Scotland*, and Religion luckily planted in that Kingdome by *Aidan* a Scottish Bishop. *Penda* King of *Mercia* was converted and christened by *Finanus* Successour of *Aidan* by the means of a marriage with a christian Princesse of the Royal Family of *Northumberland*. *Sigibert* King of the *East Angles*, in whose daies, and by whose means Religion took root among the *East Saxons*, was converted and christned in *France*. All these *Saxons* which were converted by *Brittons* or *Scots*, may as justly plead for their old immunities as the *Brittons* themselves. We acknowledge Saint *Gregory* to have been the first that did break the ice. And yet we see how small a proportion of the inhabitants of the *Brittish* Islands do owe their conversion to *Rome*, in probability not a tenth part.

Speed in the Kings of the West Saxons, An. 612.

Bed. l. 3. *c.* 4, & 5.

Bed. l. 3. *c.* 21.

Speed in the Kings of the East Angles, An. 624.

Fourthly, consider, that the conversion of a

Nation

Nation to the Chriſtian faith, is a good ground in equity (all other circumſtances concurring,) why they ſhould rather ſubmit themſelves, or a General Councel aſſign them to that See that converted them, then to any other Patriarchate. As was juſtly pleaded in the caſe between the Biſhops of *Rome* and *Conſtantinople*, about the right of Juriſdiction over the *Bulgarians*. But the converſion of a Nation is no ground at all to inveſt their converter preſently with Patriarchal authority over them, or any Eccleſiaſtical ſuperiority, eſpecially where too great a diſtance of place doth render ſuch Juriſdiction uſeleſſe and burthenſome. And moſt eſpecially where it cannot be done without prejudice to a former owner, thruſt out of his juſt right meerly by the power of the ſword, (as the *Britiſh* Primates were,) Or to the ſubjecting of a free Nation to a forreign Prelate, without or beyond their own conſent. In probability of reaſon the *Brittons* ought their firſt converſion to the Eaſtern Church, as appeareth by their accord with them in baptiſmal rights, and the obſervation of *Eaſter*; Yet never were ſubject to any Eaſtern Patriarch. Sundry of our *Britiſh* and *Engliſh* Biſhops have converted forreign Nations, yet never pretended to any Juriſdiction over them.

Fifthly and laſtly, conſider, That whatſoever title or right *S. Gregory* did acquire, or might have acquired by his piety & deſerts

towards the Engliſh Nation, it was perſonal, and could not deſcend from him to ſuch Succeſſours, who both forfeited it many wayes, and quickly (within four or five years) after his death quitted their Patriarchate, and ſet an higher title to a ſpiritual Monarchy on foot, whileſt the moſt part of *England* remained yet *Pagan*, when Pope *Boniface* did obtain of *Phocas* the uſurper, (an uſurping Pope from an uſurping Emperour) to be univerſal Biſhop.

Their Canon-ſhot is paſt, that which remains is but a ſmall volly of Muskets. They adde, that we have ſchiſmatically ſeparated our ſelves from the Communion of our Anceſtours, whom we believe to be damned. That we have ſeparated our ſelves from our Eccleſiaſtical predeceſſours, by breaking in ſunder the line of Apoſtolical ſucceſſion, whileſt our Presbyters did take upon them to ordain Biſhops, and to propogate to their Succeſſours more then they received from their predeceſſours. That our Presbyters are but equivocal Presbyters, wanting both the right matter and form of Presbyterial ordination. To extinguiſh the order is more ſchiſmatical, then to decline their authority And laſtly, that we derive our Epiſcopal Juriſdiction from the Crown.

Firſt, for our natural Fathers, the anſwer is eaſie. We do not condemn them, nor ſeparate our ſelves from them; Charity requires

quires

quires us both to think well and ſpeak well of them. But prudence commands us likewiſe to look well to our ſelves. We believe our fathers might partake of ſome errours of the Roman Church, we do not believe that they were guilty of any heretical pravity, but held alwaies the truth implicitely in the preparation of their minds, and were alwaies ready to receive it when God ſhould be pleaſed to reveal it. Upon theſe grounds we are ſo far from damning them, that we are confident they were ſaved by a general repentance. He that ſearcheth carefully into his own heart, to find out his errours, and repenteth truly of all his known ſins, and beggeth pardon for his unknown errours, proceeding out of invincible or but probable ignorance, in Gods acceptation repenteth of all. Otherwiſe the very beſt of Chriſtians were in a miſerable condition. For *who can tell how oft he offendeth?*

We condemn not our Fathers.

The ſecond accuſation of Prieſts conſecrating Biſhops, is grounded upon a ſenſeleſſe fabulous fiction, made by a man of a leaden heart and a brazen fore-head, of I know not what aſſembly of ſome of our Reformers at the ſign of the *Nags-head* in *Cheapſide*, or rather deviſed by their malicious enemies at the ſign of the *Whetſtone* in *Popes-head* Alley. Againſt which lying groundleſs drowſie dream we produce in the very point the authentick records of our Church, of things not acted in a corner, but publickly

Our Biſhops not Ordained by presbyters.

lickly and solemnly, recorded, by publick Notaries, preserved in publick Registers, whither every one that desired to see them might have accesse: And published to the world in print whilest there were thousands of eye-witnesses living, that could have contracted them if they had been feigned. There is no more certainty of the Coronation of *Henry* the eighth, or *Edward* the sixth, then there is of that ordination, which alone they have been pleased to question, done not by one (as *Austine* consecrated the first *Saxon* Prelates,) but by five consecrated Bishops. Let them name the person or persons; And if they were Bishops of the Church of *England*, we will shew them the day, the place, the persons, when and where, and by whom, and before what publick Notaries or sworn Officers they were ordained. And this not by uncertain rumours, but by the Acts and Instruments themselves. Let the Reader chuse whether he will give credit to a sworn Officer, or a professed adversary; to eye-witnesses, or to malitious reporters upon hearsay; to that which is done publickly in the face of the Church, or to that which is said to be done privately in the corner of a Tavern.

Mason de Ministerio Anglicano &c.

These authentick evidences being upon occasion produced out of our Ecclesiastical Courts, and deliberately perused and viewed by father *Oldcorn* the Jesuit; he both professed himself clearly convinced of that whereof

whereof he had ſo long doubted, (that was the legitimate ſucceſſion of Biſhops and Prieſts in our Church,) and wiſhed heartily towards the reparation of the breach of Chriſtendome, that all the world were ſo abundantly ſatisfied as he himſelf was. Blaming us as partly guilty of the groſſe miſtake of many, for not having publickly and timely made known to the world the notorious falſhood of that empty but far ſpread aſperſion againſt our ſucceſſion. As for our parts, we believe Epiſcopacy to be at leaſt an Apoſtolical inſtitution, approved by Chriſt himſelf in the *Revelation*, ordained in the infancy of Chriſtianity as a remedy againſt Schiſme; And we bleſs God that we have a clear ſucceſſion of it.

Our matter and form in the Ordination of Presbyters is impoſition of hands; And theſe words, *Receive the holy Ghoſt, whoſe ſins thou doeſt forgive, they are forgiven; And whoſe ſins thou doeſt retain, they are retained, be thou a faithful diſpenſer of the word and ſacraments.* The form moſt agreeable to the Goſpel, practiſed throughout the Occidental Church for a thouſand years, approved by the Fathers, and by the moſt ſound and learned Roman Catholicks themſelves. The form of Ordination in the Greek Church is no more but this, impoſition of hands, and theſe words, *The Divine Grace which alwayes cureth that which is infirm, doth create* [or promote] *A. B. a venerable ſub-Deacon to be a Deacon,*

Our matter and form in Presbyterial Ordination juſtified.

Diacon, for a venerable Deacon to be a Priest, or a Priest beloved of God to be a Bishop. And yet no man ever doubted of the validity of their ordination, but they did alwayes and do at this day execute their functions in the Roman Church; and discharge all duties belonging to their respective orders, as freely as in the Greek Church it self. We have the same matter that they have, we have the form more fully then they have, the Romanists themselves being Judges. Then what madness is it to allow of their Ordination, and dispute of ours, and upon a pretended defect in matter or form, to drive men to be re-ordained. Is not this *to have the faith of our Lord Jesus Christ in respect of persons.*

An. 1439. These grounds are over-weighty to be counterbalanced by the tradition of the patine and of the chalice. An upstart custom or innovation, confirmed but the other day by the decree of *Eugenius* the 4th. A time too late in conscience for introducing either a double matter and form, or a new matter and form of that, which is acknowledged by them, and not denyed by us in a larger sense, to be a Sacrament: All we say is this, that it is not a Sacrament generally necessary to salvation, as baptisme and the holy Eucharist are.

We derive no jurisdiction from the crown.

Neither do we draw or derive any spiritual jurisdiction from the crown: But either liberty and power to exercise actually and lawfully

lawfully upon the Subjects of the Crown that habitual juriſdiction which we received at our ordination; Or the inlargement and dilatation of our juriſdiction objectively, by the Princes referring more cauſes to the cogniſance of the Church then formerly it had: Or laſtly, the encreaſe of it ſubjectively, by their giving to Eccleſiaſtical Judges an external coercive power, which formerly they had not. To go yet one ſtep higher. In caſes that are indeed ſpiritual or meerly Eccleſiaſtical, ſuch as concern the doctrine of faith, or adminiſtration of the Sacraments, or the ordaining or degrading of Eccleſiaſtical perſons, Soveraign Princes have (and have only) an Architectonical power, to ſee that Clergy-men do their duties in their proper places. But this power is alwayes moſt properly exerciſed by the advice and Miniſtery of Eccleſiaſtical perſons; And ſometimes neceſſarily, as in the degradation of one in holy orders by Eccleſiaſtical Delegates.

Therefore our Law provides, that nothing ſhall be judged hereſie with us *de novo*, but by the high Court of Parliament, wherein our Biſhops did alwayes bear a part with the aſſent (that is more then advice) of the Clergy in their convocation. In ſumme, we hold our benefices from the King, but our offices from Chriſt. The King doth nominate us, but Biſhops do ordain us. I touch theſe things more briefly now, becauſe I have

have handled them more at large in a full answer to all the objections brought by *B. N.* Doctour of Theology in the twentieth chapter of *the guide of faith*, or the third part of his Antidote against our holy Orders, our Jurisdiction, and power to expound Scripture. Which if God send opportunity, may if it be thought convenient perhaps one day see the light. The confounding of those two distinct acts intimated by me in this paragraph, that is *nomination* or *election*, with *ordination* or consecration hath begotten many mistakes in the World on several sides, Among which the respect I owe to the *British* Churches will not permit me to pass by one untouched.

Blondel. Apolog. p.368. &c.

I have read related, but confusedly, out of venerable *Bede*, sundry Histories by very learned authours, of *Aidan* a Scottish Bishop *sent to* Oswald *King of* Northumberland *for the conversion of his people from the Island of Hy, wherein was one of the principal Monasteries of the Northern or* Ulster Scots, &c. *Sicque eum ordinantes ad prædicandum miserunt, so the Colledge ordaining him Bishop sent him to preach*

Bishops not subject to, nor ordained by presbyters of old in Britaigne.

As likewise of *Columbanus* his coming into *Britaigne*, where he had assigned unto him the Island *Hy* or *Jona*, for the building of a Monastery. *Habere autem solet ipsa insula rectorem semper Abbatem Presbyterum, cujus juri & omnis Provincia, & ipsi etiam Episcopi ordine inusitato debeant esse subjecti. That Island used to have a Governour an Abbat a Presbyter,*

P.370.

to

to whose jurisdiction both the whole Province, and the Bishops themselves by an unusual order ought to be subject. These testimonies they account so clear as to be able to enlighten the dullest eye. And hence they conclude, not only that Presbyters may ordain Bishops, and be their spiritual Governours, but that it was *communis quodammodo Anglorum omnium regula*, a common rule of all the *English* in a manner, that Bishops being *Monks* should be subject to their Abbats. p. 367. p. 371.

I honour *Bede* as the light of his age, who justly gained to himself the name of Venerable throughout the Occidental Church. And I doubt not but he writ what he heard. But certainly he could not have such clear distinct knowledg of particular circumstances as they who have been upon the place, and seen the records thereof.

First, there is a great mistake in the person, *Columba* and *Columbanus* lived both in the same age, but *Columbanus* was much the younger, who propogated Christian religion much, but it was in other parts of the World. It was not *Columbanus* but *Columba* that converted the *Brittish Scots*, and founded both the Bishoprick of *Derry* by another name, and the Abby of *Derry*. And likewise the Bishoprick of the Isles in *Scotland*, and the Abby of *Jona*, he whom the Irish call to this day *Columkil, quia multarum cellarum Pater*, (as his own Scholar gives the reason in the description of his life,) *because he*

he was the father or founder of many Churches or Celles.

Secondly, they confound the places, the Abby of *Derry* or *Derrimagh*, *quod lingua Scotorum significat campum roborum*, (saith *Bede*) *which in Irish* (that was the ancient Scottish) *signifies a field or plain of Oakes*, which was indeed situated in the territories of the Northern *Ulster Scots*, with the Abby of *Jona* situated in *Britaigne*.

Thirdly, they confound the actions, mission which is no more then nomination or election, with Ordination or consecration. Who so proper to chuse a Bishop as the Chapiter? So was that convent until the Reformation. Who so proper to ordain as the Bishop? For neither *Derry* nor the Isles, did ever want a Bishop from their first conversion. *So, referendo singula singulis*, the words of *Bede* are plain, the Chapiter named, and the Bishop Ordained.

Fourthly, they mistake the subjection. The Abbat was the Lord of the Manour, and so the Bishop was subject to the Abbat *in temporalibus*. But the Abbat was every where subject to the Bishop *in spiritualibus*, who did annually visit both the Abby and the Abbat, as by the visitation rolles and records, (if these intestine wars have not made an end of them) may appear. You see upon what conjectural grounds Criticks many times build new paradoxes, which one latent circumstance being known, is able to disperse

diſperſe and diſſipate, with all their probable preſumptions. If it had not been thus, It is no new thing for an Abbat to challenge Epiſcopal juriſdiction, or to contend with his Biſhop about it. What is this to meer Presbyters, *qua tales*?

Laſtly, they contradicted venerable *Bede*. He ſaith it was *ordine inuſitato, by an unuſuall order*. They ſay it was *in a manner the common rule of all the Engliſh*. And this they ſay upon pretence of a decree of the Councel of *Hereford*, that *ſuch Biſhops as had voluntarily profeſſed Monkery, ſhould perform their promiſed obedience*. Which is altogether impertinent to their purpoſe. Doth any man doubt whether Biſhops might freely of their own accord enter into a religious order? Or that they were not as well obliged to performe their vow as others? Some Emperours have done the ſame. Yet no man will conclude from thence, that Emperours are inferiour to Abbats.

Such miſtakes are all their inſtances, except they light by chance upon an unformed Church, before it were well ſetled. As if a man ſhould argue thus; There have been no Biſhops in *Virginia* during the reigns of King *James* and King *Charles*, therefore the Clergy there were ordained by Presbyters. We know the contrary, that they had their Ordination in *England*. So had the Clergy in unformed Churches, forreign Ordination.

Unformed Churches no fit preſident.

This is part of that which we have to ſay for a proper Patriarchate, and for our exemption from the Juriſdiction of the *Roman* Court, from which our ſeparation is much wider then from the Roman Church. Other *differences* may make particular breaches, but the Roman Court makes the univerſal Schiſme between them and all the reſt of the Chriſtian world, and hath been much complained of, and in part ſhaken off by ſome of their own communion. I could wiſh with all my heart that they were as ready to quit their pretended prerogatives, which not we alone, but all the world except, themſelves, and a great part of themſelves privately, ſo *condemn*, as we ſhould be to wave our juſt priviledges, and if need were to ſacrifice them to the common peace of Chriſtendom.

This was a more noble and a more ſpeedy way to a re-union, then a phariſaical compaſſing of ſea and Land to make particular Proſelytes, of all thoſe whom either a natural levity, or want of judgment, or diſcontent, or deſpair to ſee the Church of *England* re-eſtabliſhed, or extream poverty, and expectation of ſome ſupply, have prepared for their baits, whom they do not court more untill they have gained them, then they neglect after they think they have them ſure, as dayly experience doth teach us.

CHAP.

CHAP. X.

The Concluſion of this Treatiſe.

THis is the treatiſe of Schiſme intimated in my anſwer to *Monſieur de la Militiere*, but not promiſed by me, who know nothing of the impreſſion, nor ſhould have judged it proper to give an Engliſh anſwer to a *French* Authour. Howſoever being publiſhed I own it, except the errours of the Preſſe. Among which I deſire the Chriſtian Reader to take notice eſpecially of one, becauſe it perverts the ſence. It is noted in the Margent.

p.65.l.21. for [neither do you] read [moreover you do]

They who have compoſed minds free from diſtracting cares, and means to maintain them, and friends to aſſiſt them, and their books and notes by them, do little imagine with what difficulties poor exiles ſtruggle, whoſe minds are more intent on what they ſhould eat to morrow, then what they ſhould write, being chaſed as Vagabonds into the mercileſſe world to beg relief of ſtrangers. An hard condition, that when the meaneſt creatures are ſecured from that fear of wanting neceſſary ſuſtenance, by the bounty of God and nature: that only men the beſt of Creatures, ſhould be ſubjected to it by undeſerved cruelty. Peruſe all the Hiſtories of the lateſt wars, among *Dutch*, *French*, *Swedes*, *Danes*, *Spaniards*, *Poles*, *Tartars* and *Turks*, and you ſhall not meet

with the like hard meaſure. Did the King of *Spain* conquer a town from the *Hollanders*? He acquired a new dominion, but the property of private men continued the ſame. Did the *Hollanders* take in a town from the *Spaniard*? they made proviſion for the very Cloiſterers, during their lives. So did our *Henry* the eighth alſo at the diſſolution of the Abbies. Violent things laſt not long.

Or if Exiles can ſubſiſt without begging, yet they are neceſſitated to do or ſuffer things otherwiſe not ſo agreeable to them. Wherein they deſerve the pity of all good men. When *Alexander* had conquered *Darius*, and found many *Grecians* in his Army, he commanded to detain the *Athenians* priſoners, becauſe having means to live at *Rome*, they choſe rather to ſerve a *Barbarian*; And the *Theſſalians* becauſe they had a fruitful Country of their own to till; But (ſaid he) ſuffer the *Thebans* to go free; for we have left them neither a City to live in, nor fields to till. This is our condition. *Plutarch.*

When the free exerciſe of the Roman Religion was prohibited in *England*, and they wanted Seminaries at home for the education of their youth, and means of ordination; Yet by the bounty of forreign Princes, and much more by the free contribution of our own Countreymen of that communion, they had Colledges founded abroad for their ſubſiſtence. So careful were they to propagate and perpetuate their Religion in their native Countrey.

Countrey. The laſt age before theſe *unhappy* troubles was as fruitful in works of piety and charity done by Proteſtants, as any one preceding age ſince the converſion of *Britaign*. And although we cannot hope for that forreign aſſiſtance which they found, yet might we have expected a larger ſupply from home, by as much as our profeſſours are much more numerous then theirs were. Hath the ſword devoured up all the charitable *Obadiahs* in our land? Or is there no man that layes the affliction of *Joſeph* to heart? Yet God that maintained his people in the wilderneſs without the ordinary ſupply of food or ra ment, will not deſert us, until *he turn our captivity as the rivers in the South*. VVhere humane help faileth, Divine begins.

But to draw to a concluſion; VVe have *ſeen* in this ſhort *Treatiſe*, how the Court of *Rome* hath been the cauſe of all the differences and broiles be tween the Emperours with other Chriſtian Princes and States, and the Popes. VVe have *ſeen* that from the exceſſes, abuſes, innovations & extortions of that Court, have ſprung all the ſchiſmes of the Eaſtern and VVeſtern Church, and of the Occidental Church within it ſelf. VVe have heard the confeſſion of Pope *Adrian*, that *for ſome years by-paſt many things to be abominated had been in that holy See, abuſes in ſpiritual matters, exceſſes in commands, & all things out of order*. We have heard his promiſe to *endeavour the reformation of his own Court, from whence peradventure all*

the evil did ſpring, that corruption did flow from thence to the inferiour parts, ſo might health and Reformation. To which he accounted himſelf ſo much more obliged, by how much he did ſee the whole world greedily deſire a Reformation.

VVe have viewed the repreſentation which nine ſelected Cardinals & Prelates did make upon their oathes to *Paul* the third: That *this lying flattering principle, that the Pope is the lord of all benefices, & therefore could not be Simoniacal, was the fountain from whence as from the* Trojan *horſe ſo many abuſes, and ſo grievous diſeaſes had broken into the Church, and brought it to a deſperate condition, to the deriſion of chriſtian religion, & blaſpeming of the name of Chriſt, and that the cure muſt begin there, from whence the diſeaſe did ſpring.*

VVe may remember the memorial of the King of *Spain*, and the whole Kingdom of *Caſtile*, That *the abuſes of the Court of Rome gave occaſion to all the reformations & ſchiſmes of the Church.* And the complaint of the King and Kingdom of *Portugal*, That *for theſe reaſons many Kingdoms had withdrawn their obedience and reverential reſpect from the Church of Rome.* Theſe were no Proteſtants. The firſt ſtep to health, is to know the true cauſe of our diſeaſe.

It hath been long debated whether the Proteſtant & *Roman* Churches be reconciliable or not. Far be it from me to make my ſelf a Judge of that controverſie. Thus much I have obſerved, that they who underſtand the

fewest controversies make the most, and the greatest. If questions were truly stated by moderate persons, both the number and the height would be much abated. Many differences are grounded upon mistakes of one anothers sence. Many are meer logomachies or contentions about words. Many are meerly Scholastical above the capacity & apprehension of ordinary brains. And many doubtless are real both in *credendis* and *agendis*, both in doctrine and discipline. But whether the distance be so great, or how far any of these are necessary to salvation, or do intrench upon the fundamentals of religion, requires a serious, judicious, and impartial consideration. There is great difference between the reconciliation of the persons & the reconciliation of the opinions. Men may vary in their judgments, and yet preserve Christian unity and charity in their affections, one towards another, so as the errours be not destructive to fundamental Articles.

I determine nothing, but only crave leave to propose a question to all moderate christians, who love the peace of the Church, and long for the re-union thereof. In the first place, if the Bishop of *Rome* were reduced from his universality of Soveraign Jurisdiction, *jure divino*, to his *principium unitatis*, and his Court regulated by the Canons of the fathers, which was the sence of the Councels of *Constance* and *Basile*, and is desired by many Roman Catholicks as well as we. Secondly

if the Creed or neceſſary points of faith were reduced to what they were in the time of the four firſt Oecumenical Councels, according to the decree of the third General Councel, *Conc. Eph. Part.* 2. *Act.* 6, 7. (VVho dare ſay that the faith of the primitive fathers was inſufficient?) Admitting no additional Articles but only neceſſarie explications; And thoſe to be made by the authority of a General Councel, or one ſo general as can be convocated: And laſtly, ſuppoſing that ſome things from whence offences either given or taken, (which whether right or wrong, do not weigh half ſo much as the unity of Chriſtians,) were put out of divine Offices, which would not be refuſed if animoſities were taken away, and charity reſtored; *I* ſay, in caſe theſe three things were accorded, which ſeem very reaſonable demands, whether Chriſtians might not live in an holy communion, and join in the ſame publick worſhip of God, free from all Schiſmatical ſeparation of themſelves one from another, notwithſtanding diverſities of opinions, which prevail even among the members of the ſame particular Churches, both with them and us.

FINIS